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# MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TO

THE TWO HOUSES OF CONGRESS,

AT

THE COMMENCEMENT OF THE SECOND SESSION

OF

THE TWENTY-FOURTH CONGRESS.

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DECEMBER 6, 1836.

Printed by order of the Senate of the United States

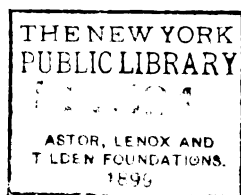
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WASHINGTON:

PRINTED BY GALES & SEATON.

1836.

Checked  
May 1913





## MESSAGE.

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*Fellow-citizens of the Senate  
and House of Representatives :*

Addressing to you the last annual message I shall ever present to the Congress of the United States, it is a source of the most heartfelt satisfaction to be able to congratulate you on the high state of prosperity which our beloved country has attained. With no causes at home or abroad to lessen the confidence with which we look to the future for continuing proofs of the capacity of our free institutions to produce all the fruits of good government, the general condition of our affairs may well excite our national pride.

I cannot avoid congratulating you, and my country particularly, on the success of the efforts made during my administration by the Executive and Legislature, in conformity with the sincere, constant, and earnest desire of the people, to maintain peace and establish cordial relations with all foreign Powers. Our gratitude is due to the Supreme Ruler of the Universe, and I invite you to unite with me in offering to him fervent supplications that his providential care may ever be extended to those who follow us, enabling them to avoid the dangers and the horrors of war, consistently with a just and indispensable regard to the rights and honor of our country. But, although the present state of our foreign affairs, standing without important change as they did when you separated in July last, is flattering in the extreme, I regret to say that many questions of an interesting character, at issue with other Powers, are yet unadjusted. Amongst the most prominent of these, is that of our Northeastern boundary. With an undiminished confidence in the sincere desire of his Britannic Majesty's Government to adjust that question, I am not yet in possession of the precise grounds upon which it proposes a satisfactory adjustment.

With France, our diplomatic relations have been resumed, and under circumstances which attest the disposition of both Governments to preserve a mutually beneficial intercourse, and foster those amicable feelings which are so strongly required by the true interests of the two countries. With Russia, Austria, Prussia, Naples, Sweden, and Denmark, the best understanding exists, and our commercial intercourse is gradually expanding itself with them. It is encouraged in all these countries, except Naples, by their mutually advantageous and liberal treaty stipulations with us.

The claims of our citizens on Portugal are admitted to be just, but provision for the payment of them has been unfortunately delayed by frequent political changes in that kingdom.

The blessings of peace have not been secured by Spain. Our connections with that country are on the best footing, with the exception of the burdens still imposed upon our commerce with her possessions out of Europe.

The claims of American citizens for losses sustained at the bombardment of Antwerp, have been presented to the Governments of Holland and Belgium, and will be pressed, in due season, to settlement.

With Brazil, and all our neighbors of this continent, we continue to maintain relations of amity and concord, extending our commerce with them as far as the resources of the people and the policy of their Governments will permit. The just and long-standing claims of our citizens upon some of them, are yet sources of dissatisfaction and complaint. No danger is apprehended, however, that they will not be peacefully, although tardily, acknowledged and paid by all, unless the irritating effect of the struggle with Texas should unfortunately make our immediate neighbors, Mexico, an exception.

It is already known to you, by the correspondence between the two Governments communicated at your last session, that our conduct in relation to that struggle is regulated by the same principles that governed us in the dispute between Spain and Mexico herself; and I trust that it will be found, on the most severe scrutiny, that our acts have strictly corresponded with our professions. That the inhabitants of the United States should feel strong prepossessions for the one party, is not surprising. But the circumstance should, of itself, teach us great caution, lest it lead us into the great error of suffering public policy to be regulated by partiality or prejudice; and there are considerations connected with the possible result of this contest between the two parties of so much delicacy and importance to the United States, that our character requires that we should neither anticipate events, nor attempt to control them. The knowledge of the Texans to become a part of our system, although their gratification depends upon the reconciliation of various and conflicting interests, necessarily a work of time, and uncertain in itself, is calculated to expose our conduct to misconstruction in the eyes of the world. There are already those who, indifferent to principle themselves, and prone to suspect the want of it in others, charge us with ambitious designs and insidious policy. You will perceive by the accompanying documents that the extraordinary mission from Mexico has been terminated, on the sole ground that the obligations of this Government to itself and to Mexico, under treaty stipulations, have compelled me to trust a discretionary authority to a high officer of our army, to advance into territory claimed as part of Texas, if necessary, to protect our own or the neighboring frontier from Indian depredation. In the opinion of the Mexican functionary, who has just left us, the honor of his country will be wounded by American soldiers entering, with the most amicable avowed purpose upon ground from which the followers of his Government have been expelled, and over which there is at present no certainty of a serious effort on its part being made to re-establish its dominion. The departure of this minister was the more singular, as he was apprized that the sufficiency of the causes assigned for the advance of our troops by the commanding general had been seriously doubted by me, and there was every reason to suppose that the troops of the United States, their commander having had time to ascertain the truth or falsehood of the information upon which they had been marched to Nacogdoches, would be either there in perfect accordance with the principles admitted to be just in his conference with the Secretary of State, by the Mexican minister.

himself, or were already withdrawn in consequence of the impressive warnings their commanding officer had received from the Department of War. It is hoped and believed that his Government will take a more dispassionate and just view of this subject, and not be disposed to construe a measure of justifiable precaution, made necessary by its known inability in execution of the stipulations of our treaty to act upon the frontier, into an encroachment upon its rights or a stain upon its honor.

In the mean time, the ancient complaints of injustice, made on behalf of our citizens, are disregarded, and new causes of dissatisfaction have arisen, some of them of a character requiring prompt remonstrance, and ample and immediate redress. I trust, however, by tempering firmness with courtesy, and acting with great forbearance upon every incident that has occurred, or that may happen, to do and to obtain justice, and thus avoid the necessity of again bringing this subject to the view of Congress.

It is my duty to remind you that no provision has been made to execute our treaty with Mexico for tracing the boundary line between the two countries. Whatever may be the prospect of Mexico's being soon able to execute the treaty on its part, it is proper that we should be, in anticipation, prepared at all times to perform our obligations, without regard to the probable condition of those with whom we have contracted them.

The result of the confidential inquiries made into the condition and prospects of the newly-declared Texan Government, will be communicated to you in the course of the session.

Commercial treaties, promising great advantages to our enterprising merchants and navigators, have been formed with the distant Governments of Muscat and Siam. The ratifications have been exchanged, but have not reached the Department of State. Copies of the treaties will be transmitted to you, if received before, or published, if arriving after, the close of the present session of Congress.

Nothing has occurred to interrupt the good understanding that has long existed with the Barbary Powers, nor to check the good-will which is gradually growing up from our intercourse with the dominions of the Government of the distinguished chief of the Ottoman empire.

Information has been received at the Department of State that a treaty with the Emperor of Morocco has just been negotiated, which, I hope, will be received in time to be laid before the Senate previous to the close of the session.

You will perceive, from the report of the Secretary of the Treasury, that the financial means of the country continue to keep pace with its improvement in all other respects. The receipts into the Treasury during the present year will amount to about \$47,691,898; those from customs being estimated at \$22,523,151; those from lands at about \$24,000,000; and the residue from miscellaneous sources. The expenditures for all objects during the year are estimated not to exceed \$32,000,000, which will leave a balance in the Treasury for public purposes, on the 1st day of January next, of about \$41,723,959. This sum, with the exception of \$5,000,000, will be transferred to the several States, in accordance with the provisions of the act regulating the deposits of the public money.

The unexpended balances of appropriation on the 1st day of January next, are estimated at \$14,636,062, exceeding by \$9,636,062 the amount which will be left in the deposit banks, subject to the draft of the Treasurer of the United States, after the contemplated transfers to the several States are made. If, therefore, the future receipts should not be sufficient to meet these outstanding and future appropriations, there may be soon a necessity to use a portion of the funds deposited with the States.

The consequences apprehended when the deposit act of the last session received a reluctant approval, have been measurably realized. Though an act merely for the deposit of the surplus moneys of the United States in the State treasuries for safe keeping, until they may be wanted for the service of the General Government, it has been extensively spoken of as an act to give the money to the several States, and they have been advised to use it as a gift, without regard to the means of refunding when called for. Such a suggestion has doubtless been made without due consideration of the obligations of the deposit act, and without proper attention to the various principles and interests which are affected by it. It is manifest that the law itself cannot sanction such a suggestion, and that, as it now stands, the States have no more authority to receive and use these deposits, without intending to return them, than an deposit bank, or any individual temporarily charged with the safe keeping or application of the public money would now have for converting the same to their private use, without the consent and against the will of the Government. But, independently of the violation of public faith and moral obligation which are involved in this suggestion, when examined in reference to the terms of the present deposit act, it is believed that the considerations which should govern the future legislation of Congress on this subject will be equally conclusive against the adoption of any measure recognising the principles on which the suggestion has been made.

Considering the intimate connexion of the subject with the financial interests of the country, and its great importance in whatever aspect it can be viewed, I have bestowed upon it the most anxious reflection, and feel it to be my duty to state to Congress such thoughts as have occurred to me, to aid their deliberation in treating it in the manner best calculated to conduce to the common good.

The experience of other nations admonished us to hasten the extinguishment of the public debt; but it will be in vain that we have congratulated each other upon the disappearance of this evil, if we do not guard against the equally great one of promoting the unnecessary accumulation of public revenue. No political maxim is better established than that which tells us that an improvident expenditure of money is the parent of profligacy, and that no people can hope to perpetuate their liberties who long acquiesce in a policy which taxes them for objects not necessary to the legitimate and real wants of their Government. Flattering as is the condition of our country at the present period, because of its unexampled advance in all the steps of social and political improvement, it cannot be disguised that there is a lurking danger already apparent in the neglect of this warning truth, and that the time has arrived when the representatives of the people should be employed in devising some more appropriate remedy than now exists, to avert it.

Under our present revenue system, there is every probability that there will continue to be a surplus beyond the wants of the Government ; and it has become our duty to decide whether such a result be consistent with the true objects of our Government.

Should a surplus be permitted to accumulate beyond the appropriations, it must be retained in the Treasury as it now is, or distributed among the people or the States.

To retain it in the Treasury unemployed in any way, is impracticable. It is, besides, against the genius of our free institutions to lock up in vaults the treasure of the nation. To take from the people the right of bearing arms, and put their weapons of defence in the hands of a standing army, would be scarcely more dangerous to their liberties, than to permit the Government to accumulate immense amounts of treasure beyond the supplies necessary to its legitimate wants. Such a treasure would doubtless be employed at some time, as it has been in other countries, when opportunity tempted ambition.

To collect it merely for distribution to the States, would seem to be highly impolitic, if not as dangerous as the proposition to retain it in the Treasury. The shortest reflection must satisfy every one, that to require the people to pay taxes to the Government merely that they may be paid back again, is sporting with the substantial interests of the country, and no system which produces such a result can be expected to receive the public countenance. Nothing could be gained by it, even if each individual who contributed a portion of the tax could receive back promptly the same portion. But it is apparent that no system of the kind can ever be enforced, which will not absorb a considerable portion of the money to be distributed in salaries and commissions to the agents employed in the process, and in the various losses and depreciations which arise from other causes ; and the practical effect of such an attempt must ever be to burden the people with taxes, not for purposes beneficial to them, but to swell the profits of deposit banks, and support a band of useless public officers.

A distribution to the people is impracticable and unjust in other respects. It would be taking one man's property and giving it to another. Such would be the unavoidable result of a rule of equality, (and none other is spoken of, or would be likely to be adopted,) inasmuch as there is no mode by which the amount of the individual contributions of our citizens to the public revenue can be ascertained. We know that they contribute *unequally* ; and a rule, therefore, that would distribute to them *equally* would be liable to all the objections which apply to the principle of an equal division of property. To make the General Government the instrument of carrying this odious principle into effect, would be at once to destroy the means of its usefulness, and change the character designed for it by the framers of the constitution.

But the more extended and injurious consequences likely to result from a policy which would collect a surplus revenue for the purpose of distributing it, may be forcibly illustrated by an examination of the effects already produced by the present deposit act. This act, although certainly designed to secure the safe-keeping of the public revenue, is not entirely free in its tendencies from any of the objections which apply to this principle of distribution. The Government had, without necessity,

received from the people a large surplus, which, instead of being employed as heretofore, and returned to them by means of the public expenditure, was deposited with sundry banks. The banks proceeded to make loans upon this surplus, and thus converted it into banking capital and in this manner it has tended to multiply bank charters, and has had a great agency in producing a spirit of wild speculation. The possession and use of the property out of which this surplus was created belonged to the people; but the Government has transferred its possession to incorporated banks, whose interest and effort it is to make large profits out of its use. This process need only be stated to show its injustice and bad policy.

And the same observations apply to the influence which is produced by the steps necessary to collect as well as to distribute such a revenue. About three-fifths of all the duties on imports are paid in the city of New York, but it is obvious that the means to pay those duties are drawn from every quarter of the Union. Every citizen in every State who purchases and consumes an article which has paid a duty at that port, contributes to the accumulating mass. The surplus collected there, must, therefore, be made up of moneys or property withdrawn from other points and other States. Thus the wealth and business of every region from which these surplus funds proceed, must be to some extent injured, while that of the place where the funds are concentrated and are employed in banking are proportionably extended. But both in making the transfer of the funds which are first necessary to pay the duties and collect the surplus, and in making the re-transfer which becomes necessary when the time arrives for the distribution of that surplus, there is a considerable period when the funds cannot be brought into use; and it is manifest that, besides the loss inevitable from such an operation, its tendency is to produce fluctuations in the business of the country, which are always productive of speculation and detrimental to the interests of regular trade. Argument can scarcely be necessary to show that a measure of this character ought not to receive further legislative encouragement.

By examining the practical operation of the ratio for distribution adopted in the deposit bill of the last session, we shall discover other feature that appear equally objectionable. Let it be assumed, for the sake of argument, that the surplus moneys to be deposited with the States have been collected and belong to them in the ratio of their federal representative population—an assumption founded upon the fact that any deficiencies in our future revenue from imports and public lands must be made up by direct taxes collected from the States in that ratio. It is proposed to distribute this surplus, say \$30,000,000, not according to the ratio in which it has been collected and belongs to the people of the States, but in that of their votes in the colleges of electors of President and Vice President. The effect of a distribution upon that ratio is shown by the annexed table, (marked A.)

By an examination of that table, it will be perceived that in the distribution of a surplus of \$30,000,000 upon that basis, there is a great departure from the principle which regards representation as the true measure of taxation; and it will be found that the tendency of that departure will be to increase whatever inequalities have been supposed to attend

the operation of our federal system in respect to its bearings upon the different interests of the Union. In making the basis of representation the basis of taxation, the framers of the constitution intended to equalize the burdens which are necessary to support the Government; and the adoption of that ratio, while it accomplished this object, was also the means of adjusting other great topics arising out of the conflicting views respecting the political equality of the various members of the confederacy. Whatever, therefore, disturbs the liberal spirit of the compromises which established a rule of taxation so just and equitable, and which experience has proved to be so well adapted to the genius and habits of our people, should be received with the greatest caution and distrust.

A bare inspection, in the annexed table, of the differences produced by the ratio used in the deposit act, compared with the results of a distribution according to the ratio of a direct taxation, must satisfy every unprejudiced mind that the former ratio contravenes the spirit of the constitution, and produces a degree of injustice in the operation of the Federal Government which would be fatal to the hope of perpetuating it. By the ratio of direct taxation, for example, the State of Delaware, in the collection of \$30,000,000 of revenue, would pay into the treasury \$188,716; and in a distribution of \$30,000,000 she would receive back from the Government, according to the ratio of the deposit bill, the sum of \$306,122; and similar results would follow the comparison between the small and the large States throughout the Union; thus realizing to the small States an advantage which would be doubtless as unacceptable to them as a motive for incorporating the principle in any system which would produce it, as it would be inconsistent with the rights and expectations of the large States. It was certainly the intention of that provision of the constitution which declares that "all duties, imposts, and excises" shall "be uniform throughout the United States," to make the burdens of taxation fall equally upon the people, in whatever State of the Union they may reside. But what would be the value of such a uniform rule, if the moneys raised by it could be immediately returned by a different one, which will give to the people of some States much more, and to those of others much less than their fair proportions? Were the Federal Government to exempt, in express terms, the imports, products, and manufactures of some portions of the country from all duties, while it imposed heavy ones on others, the injustice could not be greater. It would be easy to show how, by the operation of such a principle, the large States of the Union would not only have to contribute their just share towards the support of the Federal Government, but also have to bear in some degree the taxes necessary to support the Governments of their smaller sisters; but it is deemed unnecessary to state the details where the general principle is so obvious.

A system liable to such objections can never be supposed to have been sanctioned by the framers of the constitution, when they conferred on Congress the taxing power; and I feel persuaded that a mature examination of the subject will satisfy every one that there are insurmountable difficulties in the operation of any plan which can be devised, of collecting revenue, for the purpose of distributing it. Congress is only authorized to levy taxes "*to pay the debts and provide for the common defence and general welfare of the United States.*" There is no such provision

as would authorize Congress to collect together the property of the country, under the name of revenue, for the purpose of dividing it equally or unequally among the States or the people. Indeed, it is not probable that such an idea ever occurred to the States when they adopted the constitution. But, however this may be, the only safe rule for us, in interpreting the powers granted to the Federal Government, is to regard the absence of express authority to touch a subject so important and delicate as this is, as equivalent to a prohibition.

Even if our powers were less doubtful in this respect, as the constitution now stands, there are considerations afforded, by recent experience, which would seem to make it our duty to avoid a resort to such a system.

All will admit that the simplicity and economy of the State Governments mainly depend on the fact that money has to be supplied to support them by the same men, or their agents, who vote it away in appropriations. Hence, when there are extravagant and wasteful appropriations, there must be a corresponding increase of taxes; and the people, becoming awakened, will necessarily scrutinize the character of measures which thus increase their burdens. By the watchful eye of self-interest, the agents of the people in the State Governments are repressed and kept within the limits of a just economy. But if the necessity of levying the taxes be taken from those who make the appropriations, and thrown upon a more distant and less responsible set of public agents, who have power to approach the people by an indirect and stealthy taxation, there is reason to fear that prodigality will soon supersede those characteristics which have thus far made us look with so much pride and confidence to the State Governments as the main-stay of our union and liberties. The State Legislatures, instead of studying to restrict their State expenditures to the smallest possible sum, will claim credit for their profusion, and harass the General Government for increased supplies. Practically, there would soon be but one taxing power, and that vested in a body of men far removed from the people, in which the farming and mechanic interests would scarcely be represented. The States would gradually lose their purity as well as their independence; they would not dare to murmur at the proceedings of the General Government, lest they should lose their supplies; all would be merged in a practical consolidation, cemented by wide-spread corruption, which could only be eradicated by one of those bloody revolutions which occasionally overthrow the despotic systems of the old world.

In all the other aspects in which I have been able to look at the effect of such a principle of distribution upon the best interests of the country, I can see nothing to compensate for the disadvantages to which I have adverted. If we consider the protective duties, which are, in a great degree, the source of the surplus revenue, beneficial to one section of the Union and prejudicial to another, there is no corrective for the evil in such a plan of distribution. On the contrary, there is reason to fear that all the complaints which have sprung from this cause would be aggravated. Every one must be sensible that a distribution of the surplus must beget a disposition to cherish the means which create it; and any system, therefore, into which it enters, must have a powerful tendency to increase rather than diminish the tariff. If it were even admitted that the advantages of such a system could be made equal to all the sections



of the Union, the reasons already so urgently calling for a reduction of the revenue would, nevertheless, lose none of their force; for it will always be improbable that an intelligent and virtuous community can consent to raise a surplus for the mere purpose of dividing it, diminished, as it must inevitably be, by the expenses of the various machinery necessary to the process.

The safest and simplest mode of obviating all the difficulties which have been mentioned is, to collect only revenue enough to meet the wants of the Government, and let the people keep the balance of their property in their own hands, to be used for their own profit. Each State will then support its own Government, and contribute its due share towards the support of the General Government. There would be no surplus to cramp and lessen the resources of individual wealth and enterprise, and the banks would be left to their ordinary means. Whatever agitations and fluctuations might arise from our unfortunate paper system, they could never be attributed, justly or unjustly, to the action of the Federal Government. There would be some guaranty that the spirit of wild speculation which seeks to convert the surplus revenue into banking capital, would be effectually checked, and that the scenes of demoralization which are now so prevalent through the land would disappear.

Without desiring to conceal that the experience and observation of the last two years have operated a partial change in my views upon this interesting subject, it is nevertheless regretted that the suggestions made by me, in my annual messages of 1829 and 1830, have been greatly misunderstood. At that time, the great struggle was begun against that latitudinarian construction of the constitution which authorizes the unlimited appropriation of the revenues of the Union to internal improvements within the States, tending to invest in the hands, and place under the control, of the General Government, all the principal roads and canals of the country, in violation of State rights, and in derogation of State authority. At the same time, the condition of the manufacturing interest was such as to create an apprehension that the duties on imports could not, without extensive mischief, be reduced in season to prevent the accumulation of a considerable surplus after the payment of the national debt. In view of the dangers of such a surplus, and in preference to its application to internal improvements, in derogation of the rights and powers of the States, the suggestion of an amendment of the constitution to authorize its distribution was made. It was an alternative for what were deemed greater evils—a temporary resort to relieve an overburdened Treasury, until the Government could, without a sudden and destructive revulsion in the business of the country, gradually return to the just principle of raising no more revenue from the people, in taxes, than is necessary for its economical support. Even that alternative was not spoken of but in connexion with an amendment of the constitution. No temporary inconvenience can justify the exercise of a prohibited power, or a power not granted by that instrument; and it was from a conviction that the power to distribute even a temporary surplus of revenue is of that character, that it was suggested only in connexion with an appeal to the source of all legal power in the General Government—the States which have established it. No such appeal has been taken, and, in my opinion, a distribution of the sur-

plus revenue by Congress, either to the States or the people, is to be considered as among the prohibitions of the constitution. As already intimated, my views have undergone a change, so far as to be convinced that no alteration of the constitution in this respect is wise or expedient. The influence of an accumulating surplus upon the legislation of the General Government and the States, its effect upon the credit system of the country, producing dangerous extensions and ruinous contractions, fluctuations in the price of property, rash speculation, idleness, extravagance, and a deterioration of morals, have taught us the important lesson, that any transient mischief which may attend the reduction of our revenue to the wants of our Government is to be borne in preference to an overflowing Treasury.

I beg leave to call your attention to another subject intimately associated with the preceding one—the currency of the country.

It is apparent, from the whole context of the constitution, as well as the history of the times which gave birth to it, that it was the purpose of the convention to establish a currency consisting of the precious metals. These, from their peculiar properties, which rendered them the standard of value in all other countries, were adopted in this, as well to establish its commercial standard, in reference to foreign countries, by a permanent rule, as to exclude the use of a mutable medium of exchange, such as of certain agricultural commodities, recognised by the statutes of some States as a tender for debts, or the still more pernicious expedient of a paper currency. The last, from the experience of the evils of the issues of paper during the Revolution, had become so justly obnoxious as not only to suggest the clause in the constitution forbidding the emission of bills of credit by the States, but also to produce that vote in the convention which negatived the proposition to grant power to Congress to charter corporations; a proposition well understood at the time as intended to authorize the establishment of a national bank, which was to issue a currency of bank notes, on a capital to be created to some extent out of Government stocks. Although this proposition was refused by a direct vote of the convention, the object was afterwards in effect obtained by its ingenious advocates, through a strained construction of the constitution. The debts of the Revolution were funded, at prices which formed no equivalent compared with the nominal amount of the stock, and under circumstances which exposed the motives of some of those who participated in the passage of the act to distrust.

The facts that the value of the stock was greatly enhanced by the creation of the bank; that it was well understood that such would be the case, and that some of the advocates of the measure were largely benefited by it, belong to the history of the times, and are well calculated to diminish the respect which might otherwise have been due to the action of the Congress which created the institution.

On the establishment of a national bank, it became the interest of its creditors that gold should be superseded by the paper of the bank as a general currency. A value was soon attached to the gold coins, which made their exportation to foreign countries as a mercantile commodity, more profitable than their retention and use at home as money. It followed as a matter of course, if not designed by those who established the bank, that the bank became, in effect, a substitute for the mint of the United States.

Such was the origin of a national bank currency, and such the beginning of those difficulties which now appear in the excessive issues of the banks incorporated by the various States.

Although it may not be possible, by any legislative means within our power, to change at once the system which has thus been introduced, and has received the acquiescence of all portions of the country, it is certainly our duty to do all that is consistent with our constitutional obligations in preventing the mischiefs which are threatened by its undue extension. That the efforts of the fathers of our Government to guard against it by a constitutional provision were founded on an intimate knowledge of the subject, has been frequently attested by the bitter experience of the country. The same causes which led them to refuse their sanction to a power authorizing the establishment of incorporations for banking purposes, now exist in a much stronger degree to urge us to exert the utmost vigilance in calling into action the means necessary to correct the evils resulting from the unfortunate exercise of the power; and it is to be hoped that the opportunity for effecting this great good will be improved before the country witnesses new scenes of embarrassment and distress.

Variableness must ever be the characteristic of a currency of which the precious metals are not the chief ingredient, or which can be expanded or contracted without regard to the principles that regulate the value of those metals as a standard in the general trade of the world. With us bank issues constitute such a currency, and must ever do so until they are made dependent on those just proportions of gold and silver, as a circulating medium, which experience has proved to be necessary, not only in this but in all other commercial countries. Where those proportions are not infused into the circulation, and do not control it, it is manifest that prices must vary according to the tide of bank issues, and the value and stability of property must stand exposed to all the uncertainty which attends the administration of institutions that are constantly liable to the temptation of an interest distinct from that of the community in which they are established.

The progress of an expansion, or rather a depreciation of the currency, by excessive bank issues, is always attended by a loss to the laboring classes. This portion of the community has neither time nor opportunity to watch the ebbs and flows of the moneymarket. Engaged from day to day in their useful toils, they do not perceive that although their wages are nominally the same, or even somewhat higher, they are greatly reduced, in fact, by the rapid increase of a spurious currency, which, as it appears to make money abound, they are at first inclined to consider a blessing. It is not so with the speculator, by whom this operation is better understood, and is made to contribute to his advantage. It is not until the prices of the necessities of life become so dear that the laboring classes cannot supply their wants out of their wages, that the wages rise and gradually reach a justly proportioned rate to that of the products of their labor. When thus, by the depreciation in consequence of the quantity of paper in circulation, wages as well as prices become exorbitant, it is soon found that the whole effect of the adulteration is a tariff on our home industry for the benefit of the countries where gold and silver circulate and maintain uniformity and moderation

in prices. It is then perceived that the enhancement of the price of land and labor produces a corresponding increase in the price of products, until these products do not sustain a competition with similar ones in other countries, and thus both manufactured and agricultural productions cease to bear exportation from the country of the spurious currency, because they cannot be sold for cost. This is the process by which specie is banished by the paper of the banks. Their vaults are soon exhausted to pay for foreign commodities; the next step is a stoppage of specie payment—a total degradation of paper as a currency—unusual depression of prices, the ruin of debtors, and the accumulation of property in the hands of creditors and cautious capitalists.

It was in view of these evils, together with the dangerous power wielded by the Bank of the United States, and its repugnance to our constitution, that I was induced to exert the power conferred upon me by the American people to prevent the continuance of that institution. But although various dangers to our republican institutions have been obviated by the failure of that bank to extort from the Government a renewal of its charter, it is obvious that little has been accomplished except a salutary change of public opinion, towards restoring to the country the sound currency provided for in the constitution. In the acts of several of the States prohibiting the circulation of small notes, and the auxiliary enactments of Congress at the last session, forbidding their reception or payment on public account, the true policy of the country has been advanced, and a larger portion of the precious metals infused into our circulating medium. These measures will probably be followed up in due time by the enactment of State laws, banishing from circulation bank notes of still higher denominations; and the object may be materially promoted by further acts of Congress, forbidding the employment, as fiscal agents, of such banks as continue to issue notes of low denominations, and throw impediments in the way of the circulation of gold and silver.

The effects of an extension of bank credits and over-issues of bank paper have been strikingly illustrated in the sales of the public lands. From the returns made by the various registers and receivers in the early part of last summer, it was perceived that the receipts arising from the sales of the public lands were increasing to an unprecedented amount. In effect, however, these receipts amounted to nothing more than credits in banks. The banks lent out their notes to speculators; they were paid to the receivers, and immediately returned to the banks, to be lent out again and again, being mere instruments to transfer to speculators the most valuable public land, and pay the Government by a credit on the books of the banks. Those credits on the books of some of the Western banks, usually called deposits, were already greatly beyond their immediate means of payment, and were rapidly increasing. Indeed, each speculation furnished means for another: for no sooner had one individual or company paid in their notes, than they were immediately lent to another for a like purpose; and the banks were extending their business and their issues so largely, as to alarm considerate men, and render it doubtful whether these bank credits, if permitted to accumulate, would ultimately be of the least value to the Government. The spirit of expansion and speculation was not confined to the deposit banks, but pervaded the whole multitude of banks throughout the Union, and was giving rise to new institutions to aggravate the evil.

The safety of the public funds, and the interests of the people, generally, required that these operations should be checked, and it became the duty of every branch of the General and State Governments to adopt all legitimate and proper means to produce that salutary effect. Under this view of my duty, I directed the issuing of the order which will be laid before you by the Secretary of the Treasury, requiring payment for the public lands sold to be made in specie, with an exception until the fifteenth of the present month in favor of actual settlers. This measure has produced many salutary consequences. It checked the career of the Western banks, and gave them additional strength in anticipation of the pressure which has since pervaded our Eastern as well as the European commercial cities. By preventing the extension of the credit system, it measurably cut off the means of speculation, and retarded its progress in monopolizing the most valuable of the public lands. It has tended to save the new States from a non-resident proprietorship, one of the greatest obstacles to the advancement of a new country, and the prosperity of an old one. It has tended to keep open the public lands for entry by emigrants, at Government prices, instead of their being compelled to purchase of speculators at double or triple prices. And it is conveying into the interior large sums in silver and gold, there to enter permanently into the currency of the country, and place it on a firmer foundation. It is confidently believed that the country will find, in the motives which induced that order, and the happy consequences which will have ensued, much to commend, and nothing to condemn.

It remains for Congress, if they approve the policy which dictated this order, to follow it up in its various bearings. Much good, in my judgment, would be produced by prohibiting sales of the public lands, except to actual settlers, at a reasonable reduction of price, and to limit the quantity which shall be sold to them. Although it is believed the General Government never ought to receive any thing but the constitutional currency in exchange for the public lands, that point would be of less importance if the lands were sold for immediate settlement and cultivation. Indeed there is scarcely a mischief arising out of our present land system, including the accumulating surplus of revenues, which would not be remedied at once by a restriction on land sales to actual settlers; and it promises other advantages to the country in general, and to the new States in particular, which cannot fail to receive the most profound consideration of Congress.

Experience continues to realize the expectations entertained as to the capacity of the State banks to perform the duties of fiscal agents for the Government, at the time of the removal of the deposits. It was alleged by the advocates of the Bank of the United States that the State banks, whatever might be the regulations of the Treasury Department, could not make the transfers required by the Government, or negotiate the domestic exchanges of the country. It is now well ascertained that the real domestic exchanges, performed through discounts, by the United States Bank and its twenty-five branches, were at least one-third less than those of the deposit banks for an equal period of time; and if a comparison be instituted between the amounts of service rendered by these institutions, on the broader basis which has been used by the advocates of the United States Bank, in estimating what they consider the

domestic exchanges transacted by it, the result will be still more favorable to the deposit banks.

The whole amount of public money transferred by the Bank of the United States in 1832, was \$16,000,000. The amount transferred and actually paid by the deposit banks in the year ending the 1st of October last, was \$39,319,899; the amount transferred and paid between that period and the 6th of November, was \$5,399,000; and the amount of transfer warrants outstanding on that day, was \$14,450,000; making an aggregate of \$59,168,894. These enormous sums of money first mentioned have been transferred with the greatest promptitude and regularity; and the rates at which the exchanges have been negotiated previously to the passage of the deposit act were generally below those charged by the Bank of the United States. Independently of these services, which are far greater than those rendered by the United States Bank and its twenty-five branches, a number of the deposit banks have, with a commendable zeal to aid in the improvement of the currency, imported from abroad, at their own expense, large sums of the precious metals for coinage and circulation.

In the same manner have nearly all the predictions turned out in respect to the effect of the removal of the deposits—a step unquestionably necessary to prevent the evils which it was foreseen the bank itself would endeavor to create in a final struggle to procure a renewal of its charter. It may be thus, too, in some degree, with the further steps which may be taken to prevent the excessive issue of other bank paper; but it is to be hoped that nothing will now deter the Federal and State authorities from the firm and vigorous performance of their duties to themselves and to the people in this respect.

In reducing the revenue to the wants of the Government, your particular attention is invited to those articles which constitute the necessities of life. The duty on salt was laid as a war tax, and was no doubt continued to assist in providing for the payment of the war debt. There is no article, the release of which from taxation would be felt so generally and so beneficially. To this may be added all kinds of fuel and provisions. Justice and benevolence unite in favor of releasing the poor of our cities from burdens which are not necessary to the support of our Government, and tend only to increase the wants of the destitute.

It will be seen by the report of the Secretary of the Treasury, and the accompanying documents, that the Bank of the United States has made no payment on account of the stock held by the Government in that institution, although urged to pay any portion which might suit its convenience, and that it has given no information when payment may be expected. Nor, although repeatedly requested, has it furnished the information in relation to its condition, which Congress authorized the Secretary to collect at their last session. Such measures as are within the power of the Executive have been taken to ascertain the value of the stock, and procure the payment as early as possible.

The conduct and present condition of that bank, and the great amount of capital vested in it by the United States, require your careful attention. Its charter expired on the third day of March last, and it has now no power but that given in the 21st section, "to use the corporate name, style, and capacity, for the purpose of suits, for the final settlement and

liquidation of the affairs and accounts of the corporation, and for the sale and disposition of their estate, real, personal, and mixed, but not for any other purpose, or in any other manner whatsoever, nor for a period exceeding two years after the expiration of the said term of incorporation. Before the expiration of the charter, the stockholders of the bank obtained an act of incorporation from the Legislature of Pennsylvania, excluding only the United States.

Instead of proceeding to wind up their concerns, and pay over to the United States the amount due on account of the stock held by them, the president and directors of the old bank appear to have transferred the books, papers, notes, obligations, and most or all of its property, to this new corporation, which entered upon business as a continuation of the old concern. Amongst other acts of questionable validity, the notes of the expired corporation are known to have been used as its own, and again put in circulation. That the old bank had no right to issue or re-issue its notes after the expiration of its charter, cannot be denied; and that it could not confer any such right on its substitute, any more than exercise it itself, is equally plain. In law and honesty, the notes of the bank in circulation, at the expiration of its charter, should have been called in by public advertisement, paid up as presented, and, together with those on hand, cancelled and destroyed. Their re-issue is sanctioned by no law, and warranted by no necessity. If the United States be responsible in their stock for the payment of these notes, their re-issue by the new corporation, for their own profit, is a fraud on the Government. If the United States is not responsible, then there is no legal responsibility in any quarter, and it is a fraud on the country. They are the redeemed notes of a dissolved partnership, but contrary to the wishes of the retiring partner and without his consent, are again re-issued and circulated.

It is the high and peculiar duty of Congress to decide whether any further legislation be necessary for the security of the large amount of public property now held and in use by the new bank, and for vindicating the rights of the Government, and compelling a speedy and honest settlement with all the creditors of the old bank, public and private, or whether the subject shall be left to the power now possessed by the Executive and Judiciary. It remains to be seen whether the persons, who, as managers of the old bank, undertook to control the Government, retained the public dividends, shut their doors upon a committee of the House of Representatives, and filled the country with panic to accomplish their own sinister objects, may now, as managers of a new bank, continue with impunity to flood the country with a spurious currency, use the seven millions of Government stock for their own profit, and refuse to the United States all information as to the present condition of their own property, and the prospect of recovering it into their own possession.

The lessons taught by the Bank of the United States cannot well be lost upon the American people. They will take care never again to place so tremendous a power in irresponsible hands; and it will be fortunate if they seriously consider the consequences which are likely to result on a smaller scale from the facility with which corporate powers are granted by their State Governments.

It is believed that the law of the last session regulating the deposit banks, operates onerously and unjustly upon them in many respects ; and it is hoped that Congress, on proper representation, will adopt the modifications which are necessary to prevent this consequence.

The report of the Secretary of War *ad interim*, and the accompanying documents, all which are herewith laid before you, will give you a full view of the diversified and important operations of that Department during the past year.

The military movements rendered necessary by the aggressions of the hostile portions of the Seminole and Creek tribes of Indians, and by other circumstances, have required the active employment of nearly our whole regular force, including the marine corps, and of large bodies of militia and volunteers. With all these events, so far as they were known at the seat of Government before the termination of your last session you are already acquainted ; and it is therefore only needful in this place to lay before you a brief summary of what has since occurred.

The war with the Seminoles during the summer was, on our part chiefly confined to the protection of our frontier settlements from the incursions of the enemy ; and, as a necessary and important means for the accomplishment of that end, to the maintenance of the posts previously established. In the course of this duty several actions took place, in which the bravery and discipline of both officers and men were conspicuously displayed, and which I have deemed it proper to notice in respect to the former, by the granting of brevet rank for gallant services in the field. But as the force of the Indians was not so far weakened by these partial successes as to lead them to submit, and as their savage incursions were frequently repeated, early measures were taken for placing at the disposal of Governor Call, who, as commander-in-chief of the territorial militia, had been temporarily invested with the command, an ample force, for the purpose of resuming offensive operations in the most efficient manner, so soon as the season should permit. Major General Jesup was also directed, on the conclusion of his duties in the Creek country, to repair to Florida, and assume the command.

The result of the first movement made by the forces under the direction of Governor Call, in October last, as detailed in the accompanying papers, excited much surprise and disappointment. A full explanation has been required of the causes which led to the failure of that movement, but has not yet been received. In the mean time, as it was feared that the health of Governor Call, who was understood to have suffered much from sickness, might not be adequate to the crisis, and as Major General Jesup was known to have reached Florida, that officer was directed to assume the command, and to prosecute all needful operations with the utmost promptitude and vigor. From the force at his disposal and the dispositions he has made and is instructed to make, and from the very efficient measures which it is since ascertained have been taken by Governor Call, there is reason to hope that they will soon be enabled to reduce the enemy to subjection. In the mean time, as you will perceive from the report of the Secretary, there is urgent necessity for further appropriations to suppress these hostilities.

Happily for the interests of humanity, the hostilities with the Creeks were brought to a close soon after your adjournment, without that efflu-





sion of blood which at one time was apprehended as inevitable. The unconditional submission of the hostile party was followed by their speedy removal to the country assigned them west of the Mississippi. The inquiry as to alleged frauds in the purchase of the reservations of these Indians, and the causes of their hostilities, requested by the resolution of the House of Representatives of the 1st of July last, to be made by the President, is now going on, through the agency of commissioners appointed for that purpose. Their report may be expected during your present session.

The difficulties apprehended in the Cherokee country have been prevented, and the peace and safety of that region and its vicinity effectually secured, by the timely measures taken by the War Department, and still continued.

The discretionary authority given to General Gaines to cross the Sabine, and to occupy a position as far west as Nacogdoches, in case he should deem such a step necessary to the protection of the frontier, and to the fulfilment of the stipulations contained in our treaty with Mexico, and the movement subsequently made by that officer, have been alluded to in a former part of this message. At the date of the latest intelligence from Nacogdoches, our troops were yet at that station; but the officer who has succeeded General Gaines has recently been advised, that, from the facts known at the seat of Government, there would seem to be no adequate cause for any longer maintaining that position; and he was accordingly instructed, in case the troops were not already withdrawn under the discretionary powers before possessed by him, to give the requisite orders for that purpose, on the receipt of the instructions, unless he shall then have in his possession such information as shall satisfy him that the maintenance of the post is essential to the protection of our frontiers, and to the due execution of our treaty stipulations, as previously explained to him.

While the necessities existing during the present year, for the service of militia and volunteers, have furnished new proofs of the patriotism of our fellow-citizens, they have also strongly illustrated the importance of an increase in the rank and file of the regular army. The views of this subject, submitted by the Secretary of War, in his report, meet my entire concurrence, and are earnestly commended to the deliberate attention of Congress. In this connexion, it is also proper to remind you that the defects in our present militia system are every day rendered more apparent. The duty of making further provision by law, for organizing, arming, and disciplining this arm of defence, has been so repeatedly presented to Congress by myself and my predecessors, that I deem it sufficient, on this occasion, to refer to the last annual message and to former Executive communications, in which the subject has been discussed.

It appears from the reports of the officers charged with mustering into service the volunteers called for under the act of Congress of the last session, that more presented themselves at the place of rendezvous in Tennessee, than were sufficient to meet the requisition which had been made by the Secretary of War upon the Governor of that State. This was occasioned by the omission of the Governor to apportion the requisition to the different regiments of militia, so as to obtain the proper number of troops, and no more. It seems but just to the patriotic citizens

who repaired to the general rendezvous, under circumstances authorizing them to believe that their services were needed, and would be accepted that the expenses incurred by them, whilst absent from their homes should be paid by the Government. I accordingly recommend that a law to this effect be passed by Congress, giving them a compensation which will cover their expenses on the march to and from the place of rendezvous, and while there; in connexion with which, it will also be proper to make provision for such other equitable claims, growing out of the service of the militia, as may not be embraced in the existing laws.

On the unexpected breaking out of hostilities in Florida, Alabama, and Georgia, it became necessary, in some cases, to take the property of individuals for public use. Provision should be made by law, for indemnifying the owners; and I would also respectfully suggest whether some provision may not be made, consistently with the principles of our government, for the relief of the sufferers by Indian depredations, or by the operations of our own troops.

No time was lost, after the making of the requisite appropriations, in resuming the great national work of completing the unfinished fortifications on our seaboard, and of placing them in a proper state of defence. In consequence, however, of the very late day at which those bills were passed, but little progress could be made during the season which has just closed. A very large amount of the moneys granted at your last session accordingly remains unexpended; but as the work will be again resumed at the earliest moment in the coming spring, the balance of the existing appropriations, and in several cases which will be laid before you, with the proper estimates, further sums for the like objects, may be usefully expended during the next year.

The recommendations of an increase in the engineer corps, and for a reorganization of the topographical corps, submitted to you in my last annual message, derive additional strength from the great embarrassments experienced, during the present year, in those branches of the service, and under which they are now suffering. Several of the most important surveys and constructions, directed by recent laws, have been suspended, in consequence of the want of adequate force in these corps.

The like observations may be applied to the ordnance corps and to the general staff, the operations of which, as they are now organized, must either be frequently interrupted, or performed by officers taken from the line of the army, to the great prejudice of the service.

For a general view of the condition of the Military Academy, and of other branches of the military service not already noticed, as well as for fuller illustrations of those which have been mentioned, I refer you to the accompanying documents; and among the various proposals contained therein, for legislative action, I would particularly notice the suggestion of the Secretary of War, for the revision of the pay of the army, as entitled to your favorable regard.

The national policy, founded alike in interest and in humanity, so long and so steadily pursued by this Government, for the removal of the Indian tribes originally settled on this side of the Mississippi, to the west of that river, may be said to have been consummated by the conclusion of the late treaty with the Cherokees. The measures taken in the execution of that treaty, and in relation to our Indian affairs generally, will

fully appear by referring to the accompanying papers. Without dwelling on the numerous and important topics embraced in them, I again invite your attention to the importance of providing a well-digested and comprehensive system for the protection, supervision, and improvement of the various tribes now planted in the Indian country. The suggestions submitted by the Commissioner of Indian Affairs, and enforced by the Secretary, on this subject, and also in regard to the establishment of additional military posts in the Indian country, are entitled to your profound consideration. Both measures are necessary, for the double purpose of protecting the Indians from intestine war, and in other respects complying with our engagements to them, and of securing our Western frontier against incursions which otherwise will assuredly be made on it. The best hopes of humanity in regard to the aboriginal race, the welfare of our rapidly extending settlements, and the honor of the United States, are all deeply involved in the relations existing between this Government and the emigrating tribes. I trust, therefore, that the various matters submitted in the accompanying documents, in respect to those relations, will receive your early and mature deliberation; and that it may issue in the adoption of legislative measures adapted to the circumstances and duties of the present crisis.

You are referred to the report of the Secretary of the Navy for a satisfactory view of the operations of the department under his charge during the present year. In the construction of vessels at the different navy yards, and in the employment of our ships and squadrons at sea, that branch of the service has been actively and usefully employed. While the situation of our commercial interests in the West Indies required a greater number than usual of armed vessels to be kept on that station, it is gratifying to perceive that the protection due to our commerce in other quarters of the world has not proved insufficient. Every effort has been made to facilitate the equipment of the exploring expedition authorized by the act of the last session, but all the preparation necessary to enable it to sail has not yet been completed. No means will be spared by the Government to fit out the expedition on a scale corresponding with the liberal appropriations for the purpose, and with the elevated character of the objects which are to be effected by it.

I beg leave to renew the recommendation made in my last annual message respecting the enlistment of boys in our naval service, and to urge upon your attention the necessity of further appropriations to increase the number of ships afloat, and to enlarge generally the capacity and force of the navy. The increase of our commerce, and our position in regard to the other powers of the world, will always make it our policy and interest to cherish the great naval resources of our country.

The report of the Postmaster General presents a gratifying picture of the condition of the Post Office Department. Its revenues, for the year ending the 30th June last, were \$3,398,455 19, showing an increase of revenue over that of the preceding year of \$404,878 53, or more than thirteen per cent. The expenditures for the same year were \$2,755,623 76, exhibiting a surplus of \$642,831 43. The Department has been redeemed from embarrassment and debt; has accumulated a surplus of more than half a million of dollars; has largely extended, and is preparing still further to extend the mail service, and recommends a reduction of postages equal

to about twenty per cent. It is practising upon the great principle which should control every branch of our Government, of rendering to the public the greatest good possible, with the least possible taxation to the people.

The scale of postages, suggested by the Postmaster General, recommends itself, not only by the reduction it proposes, but by the simplicity of its arrangement, its conformity with the federal currency, and the improvement it will introduce into the accounts of the Department and its agents.

Your particular attention is invited to the subject of mail contracts with railroad companies. The present laws providing for the making of contracts are based upon the presumption that competition among bidders will secure the service at a fair price. But on most of the railroad lines there is no competition in that kind of transportation, and advertising is therefore useless. No contract can now be made with them, except such as shall be negotiated before the time of offering or afterwards, and the power of the Postmaster General to pay them high prices is, practically without limitation. It would be a relief to him, and no doubt would conduce to the public interest, to prescribe by law some equitable basis upon which such contracts shall rest, and restrict him by a fixed rule of allowance. Under a liberal act of that sort, he would undoubtedly be able to secure the services of most of the railroad companies, and the interests of the Department would be thus advanced.

The correspondence between the people of the United States and the European nations, and particularly with the British islands, has become very extensive, and requires the interposition of Congress to give it security. No obstacle is perceived to an interchange of mails between New York and Liverpool, or other foreign ports, as proposed by the Postmaster General. On the contrary, it promises, by the security it will afford, to facilitate commercial transactions, and give rise to an enlarged intercourse among the people of different nations, which cannot but have a happy effect. Through the city of New York most of the correspondence between the Canadas and Europe is now carried on, and urgent representations have been received from the head of the Provincial Post Office, asking the interposition of the United States to guard it from the accidents and losses to which it is now subjected. Some legislation appears to be called for, as well by our own interest, as by comity to the adjoining British Provinces.

The expediency of providing a fire-proof building for the important books and papers of the Post Office Department is worthy of consideration. In the present condition of our Treasury it is neither necessary nor wise to leave essential public interests exposed to so much danger, when they can so readily be made secure. There are weighty considerations in the location of a new building for that Department, in favor of placing it near the other Executive buildings.

The important subjects of a survey of the coast, and the manufacture of a standard of weights and measures for the different custom-houses, have been in progress for some years, under the general direction of the Executive, and the immediate superintendence of a gentleman possessing high scientific attainments. At the last session of Congress, the making of a set of weights and measures for each State in the Union, was added to the others by a joint resolution.

The care and correspondence, as to all these subjects, have been devolved on the Treasury Department during the last year. A special report from the Secretary of the Treasury will soon be communicated to Congress, which will show what has been accomplished as to the whole—the number and compensation of the persons now employed in these duties, and the progress expected to be made during the ensuing year—with a copy of the various correspondence deemed necessary to throw light on the subjects which seem to require additional legislation. Claims have been made for retrospective allowances in behalf of the superintendent and some of his assistants, which I did not feel justified in granting; other claims have been made for large increases in compensation, which, under all the circumstances of the several cases, I declined making without the express sanction of Congress. In order to obtain that sanction, the subject was, at the last session, on my suggestion, and by request of the immediate superintendent, submitted by the Treasury Department to the Committee of Commerce of the House of Representatives. But no legislative action having taken place, the early attention of Congress is now invited to the enactment of some expressed and detailed provisions in relation to the various claims made for the past, and to the compensation and allowances deemed proper for the future.

It is further respectfully recommended that, such being the inconvenience of attention to these duties by the Chief Magistrate, and such the great pressure of business on the Treasury Department, the general supervision of the coast survey, and the completion of the weights and measures, if the works are kept united, should be devolved on a board of officers organized specially for that purpose, or on the Navy Board attached to the Navy Department.

All my experience and reflection confirm the conviction I have so often expressed to Congress in favor of an amendment of the constitution which will prevent, in any event, the election of the President and Vice President of the United States devolving on the House of Representatives and the Senate; and I therefore beg leave again to solicit your attention to the subject. There were various other suggestions in my last annual message not acted upon, particularly that relating to the want of uniformity in the laws of the District of Columbia, that are deemed worthy of your favorable consideration.

Before concluding this paper, I think it due to the various executive departments to bear testimony to their prosperous condition, and to the ability and integrity with which they have been conducted. It has been my aim to enforce in all of them a vigilant and faithful discharge of the public business, and it is gratifying to me to believe that there is no just cause of complaint from any quarter, at the manner in which they have fulfilled the objects of their creation.

Having now finished the observations deemed proper on this, the last occasion I shall have of communicating with the two Houses of Congress at their meeting, I cannot omit an expression of the gratitude which is due to the great body of my fellow-citizens, in whose partiality and indulgence I have found encouragement and support, in the many difficult and trying scenes through which it has been my lot to pass during my public career. Though deeply sensible that my exertions have not been crowned with a success corresponding to the degree of favor bestowed

upon me, I am sure that they will be considered as having been directed by an earnest desire to promote the good of my country; and I am consoled by the persuasion that whatever errors have been committed will find a corrective in the intelligence and patriotism of those who will succeed us. All that has occurred during my administration is calculated to inspire me with increased confidence in the stability of our institutions, and should I be spared to enter upon that retirement which is so suitable to my age and infirm health, and so much desired by me in other respects, I shall not cease to invoke that beneficent Being, to whose providence we are already so signally indebted, for the continuance of his blessings on our beloved country.

ANDREW JACKSON.

WASHINGTON, 5th December, 1836.

## REPORT

FROM THE

## SECRETARY OF THE TREASURY,

*Relative to the Deportation of Paupers from Great Britain, &c., in obedience to the resolution of the Senate of the 4th of July, 1836.*

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DECEMBER 7, 1836.

Read, and ordered to be printed.

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TREASURY DEPARTMENT,

December 7, 1836.

Sir: In compliance with the resolution of the Senate adopted on the 4th of July last, to wit: "That the Secretary of the Treasury be directed to cause to be collected and laid before the Senate, at its next session, all such facts and information as can be obtained through the custom-houses, or from any other sources, respecting the deportation of paupers from Great Britain and other places, ascertaining, as nearly as possible, to what countries such persons are sent, where landed, and what provision, if any, is made for their future support," I have the honor to report, that circulars were immediately addressed by the Department, upon the receipt of the resolution, to such of the United States consuls and commercial agents abroad as were supposed most likely to be able to furnish the information called for. A copy of one is annexed, (A.) The collectors of the principal custom-houses were also instructed to communicate such facts in relation to the subject as they might be able to obtain at their respective ports. The answers to these inquiries are contained in the papers herewith transmitted, numbered from 1 to 19.

I have the honor to be,

Very respectfully,

Your obedient servant,

LEVI WOODBURY.

Secretary of the Treasury.

To the Hon. MARTIN VAN BUREN,

Vice President U. S. and President of Senate.

Gales & Scaton, print.]

(A.)

*Circular to certain Consuls and Commercial Agents of the United States*

TREASURY DEPARTMENT,

July 7, 1836.

SIR: I beg leave to invite your special attention to the annexed resolution, adopted by the Senate of the United States on the fourth of the present month, directing the Secretary of the Treasury to cause to be collected and laid before that body, at its next session, information respecting the deportation of paupers from Great Britain and other places &c. Believing that your official station affords you facilities of obtaining important information upon this subject, I will thank you to procure from authentic sources, such facts relating to the inquiries contained in the resolution as will enable this Department to comply with the directions of the Senate. I should be pleased to be furnished with your answer by the first of November next.

I am, very respectfully,

Your obedient servant,

LEVI WOODBURY,

*Secretary of the Treasury.*

UNITED STATES CONSUL AT ———.

IN SENATE OF THE UNITED STATES, July 4, 1836.

*Resolved*, That the Secretary of the Treasury be directed to cause to be collected and laid before the Senate, at its next session, all such facts and information as can be obtained through the custom-house, or from other sources, respecting the deportation of paupers from Great Britain and other places, ascertaining as nearly as possible to what countries such persons are sent, where landed, and what provision, if any, is made for their future support.

Attest:

WALTER LOWRIE, *Secretary.*

No. 1.

UNITED STATES CONSULATE,

*Bremen, September 5, 1836.*

SIR: I have the honor to acknowledge the receipt of your esteemed circular of the 7th July, 1836, requesting information respecting deportation of paupers from Great Britain and other places, &c. I am sorry that the information desired is not to be procured from authentic sources; for, properly speaking, it cannot be said that paupers are deported from Germany, though it may sometimes (but very rarely) be the case that families, almoners, and civil authorities, in order to get rid of a burdensome fellow or troublesome subject, pay what is necessary for such a person to cross the Atlantic. But, among the German emigrants, a great number of which annually embark at this port, and who nearly all go to the United States, there are many persons and families who, when they have paid for the passage, have little or no money left, and probably many of them, on arriving in the United States, are quite destitute of all. The different Governments of Germany are, in general, not much pleased



with the spirit of emigration since several years predominant in Germany, and, as is said, try by all means to keep their subjects at home. The emigrants very often loudly and bitterly complain that the said Governments, before they give to people the permission to depart, put as many obstacles as possible in the way of the persons who intend to emigrate. Such emigrants, as I hear, must usually prove to their Governments that they have money enough to pay for their travelling expenses and for their passage, the said Governments being afraid that the emigrants may, by travelling uselessly, spend their little fortune, and then return and come on the charge of the community; and the emigrants are therefore obliged to renounce and give up all their rights as natives of the country. After the emigrants have got the permission to emigrate, and set out, then their former Governments do not further care for them.

The letters or circulars addressed to the United States consuls at Hamburg, Munich, Leipzig, and Cassel, which were sent to me with the said circular of the 7th July last, enclosed in the same envelope, have immediately been put into the post office.

I have, sir, the honor to remain,

With the greatest respect,

Your most obedient servant,

H. W. BOHME, for  
JOSHUA DODGE.

To the honorable LEVI WOODBURY,  
*Secretary of the Treasury, Washington.*

No. 2.

CONSULATE OF THE UNITED STATES OF AMERICA,

*Hesse Cassel, September 8, 1856.*

HONORABLE SIR: I beg leave to report, in conformity to your honor's circular of the 7th July last, that, as far as I have been able to ascertain, none of the German Governments have caused, or even indirectly sanctioned, any deportation of their paupers; on the contrary, their laws and finances forbid such operation.

The only forced deportation which has come to my knowledge, is from the free Hanseatic town of Hamburg, the Government of which deports, from time to time, those criminals which have been either condemned for life or a long period: they give them the choice either to endure their time or to emigrate; in which case the Government pays their passage. A number of them have been sent to New York, and this year to Brazil.

The great number of German paupers in the United States arises from the low rate of passage-money which of late had existed. Steerage passages were taken last spring from Bremen, and found with good provisions, at \$16 each grown person. This price the Bremen ship-owners could only afford by carrying always a large number, to obtain which they had their agents all over in the interior of Germany, and induced the lower class, which live in a very impoverished state, to emigrate, by making them believe that labor was so much demanded in the United States that any able-bodied man could earn, as soon as landed, \$2 a day. Young and old, healthy and sickly, thought now of nothing but to emigrate: every sacrifice was made, even their clothes were sold, and if this did not suffice,

the balance begged ; and all those who could scrape together enough to pay their passage went to the United States, where the majority landed penniless, and a great number of them, consisting of old people, women and children, unable to work, as the German Government does not allow their young men to emigrate until they have fulfilled their military obligation. This traffic on the part of the Bremen ship-owners will continue as long as the laws of the United States do not make their masters liable for the support of the passengers which they bring to the United States and our shores will be filled so long with paupers of all kinds.

I have the honor to be,

The honorable Secretary's most obedient servant,  
**CHARLES GRAEBE.**

**HON. LEVI WOODBURY,**  
*Secretary of the Treasury.*

No. 3.

CONSULATE U. S. A.,

*Dublin, September 1, 1836.*

SIR: I have been favored with your letter of the 7th ultimo, in which you direct my attention to a resolution adopted by the Senate of the United States on the 4th of July, directing the Secretary of the Treasury to cause to be collected and laid before that body, at its next session, information respecting the deportation of paupers from Great Britain and other places, &c., and requesting that I would procure, from authentic sources, such facts relating to the inquiries contained in the resolution as will enable your Department to comply with the directions of the Senate.

Your letter contains a copy of the resolution to which it refers, and, having carefully perused the same, I beg leave to state, in reply, that if the word "pauper" is intended to refer to that description of persons so termed in England as being entitled to relief from the parish, having no poor laws in this country, we are, of course, without any such persons in Ireland.

Our poor, in this country, are very poor indeed—so poor as to be altogether without the means of support, even for a few days, and, consequently, totally unable to provide the cost of transport to a foreign country.

The population of Ireland being very great, and rapidly increasing, and the wages of labor being very low, emigration has prevailed to much greater extent than in England or Scotland.

After having made strict inquiry on the subject, I cannot ascertain that any fund has been established by Government, or any public body, or body of individuals, for the deportation of emigrants, and I am of opinion that none such exists; but it is by no means an uncommon occurrence for individuals possessed of large landed properties in this country, being desirous to thin or lessen the population on their estates, and to increase the size of their farms by throwing several small holdings into one, to agree with such tenants to pay the expense of their passage to America. The number so deported, however, is not considerable, and has not, at this port, exceeded five or six hundred in the last five or six years, and they have been provided, I understand, with a few pounds each, with a view to their support until they could procure labor, after their arrival.

Of those who emigrate to America from this country, I should think nineteen-twentieths embark for Canada, whatever their ultimate destination may be. This is attributable, in a great measure, to the low charge for passage from hence to Quebec, compared with that from the United States, the former being twenty-five to thirty shillings for adults, the latter about five pounds; and this great difference arises from the abundance of tonnage leaving Ireland in ballast for Canada, in the spring of the year, and the comparative scarcity of vessels for the United States, and to enactments contained in the passenger acts of the respective nations. By the English act, vessels are allowed to carry three adult passengers for every five tons register tonnage of the vessel; two persons under fourteen years are counted as one adult, and three persons under seven years of age are counted as one adult: whilst, by the United States act, only two persons for every five tons are allowed, and infants are counted the same as adults.

I may also remark that, for some years past, the direct intercourse between this port and the United States has greatly fallen off, in consequence of the very easy and constant communication kept up from hence by steam navigation to Liverpool, from whence supplies of United States produce are imported on such terms and in such quantities as suit the immediate wants of the consumers. We consequently have few American vessels coming to this port, and those who are desirous to embark for the United States are obliged to proceed, in the first instance, to Liverpool: this precludes me from forming any accurate idea of the numbers which proceed from hence to the United States. But this fact is not, perhaps, of importance in your inquiry, as those proceeding via Liverpool are, generally speaking, not only far from being paupers, but, in my opinion, may be considered the best of our agricultural population, being persons who, by their own industry, having accumulated sufficient means to pay the cost of transporting themselves and their families, and very frequently taking out considerable property along with them.

The information procurable at our custom-house would not tend to throw any light on the subject under investigation, as their reports merely give the number of emigrants in each year, without any reference to rank or station in society.

If you require and point out any farther information, I shall be most happy to procure it for you, if in my power.

I have the honor to be, sir,

Your obedient humble servant,

THOMAS WILSON.

To LEVI WOODBURY, Esq.,

Secretary of the Treasury, Washington.

No. 4.

CONSULATE OF THE UNITED STATES,

Belfast, 1st September, 1836.

SIR: In reply to your "Circular to certain Consuls," &c., under date of 7th July, respecting the deportation of paupers, I beg to state that there are no paupers deported by the public authorities from within my consular district. I however may remark that a considerable number of the emigrants who leave here for the United States, Canada, &c., are supposed

to do so with little or no property beyond their sea-stock, and consequently land abroad nearly or wholly destitute. Of the number of these, or the amount of their provision or property, if they have any, there are no means of gaining any correct information or estimate, from the circumstance of their emigrating as private individuals, on their own resources.

I am, sir, very respectfully,

Your obedient servant,

THOMAS W. GILPIN.

The honorable the SECRETARY OF THE TREASURY.

No. 5.

UNITED STATES CONSULATE,

*Rotterdam September 13, 1836.*

SIR : I had the honor to receive, on the 10th instant, your circular of 7th July last, accompanying a resolution adopted by the Senate of the United States, directing the Secretary of the Treasury to cause to be collected and laid before that body, at its next session, information respecting the deportation of paupers from Great Britain and other places, &c. In reply, I beg to state that no deportation of paupers has taken place from this country. The passengers from hence to the United States are chiefly Germans, who emigrate voluntarily, and at their own expense ; although many of them have but just the means to defray the expenses of the voyage, and are destitute on their arrival in the United States.

I have the honor to be, very respectfully, sir,

Your obedient servant,

J. WAMBERSIE,

~~United States Consul.~~

The Hon. LEVI WOODBURY,

*Secretary of the Treasury of the U. S. of America, Washington.*

No. 6.

CONSULATE OF THE UNITED STATES OF AMERICA,

*Londonderry, (Ireland,) September 19, 1836.*

SIR : I have the honor to acknowledge the receipt of your letter of the 7th of July last, requesting to be informed as to the deportation of paupers from Great Britain and other places.

There has been for many years past, and still continues, a large emigration from this port to different parts of the United States, and also to the British settlements in North America ; and, from my knowledge on the subject, I have no hesitation in stating that the description of persons who generally embark for the United States from this port are of good character, in comfortable circumstances, and certainly many degrees removed from paupers.

On the contrary, the greater number of the persons who embark for the British settlements, on account of the cheap conveyance, are the evil and ill-disposed, who will not do well in their own country, and the landed proprietors are glad to get rid of them, which they do by paying their passages, and laying in sufficient provisions for the voyage, totally regardless of how they are to make out life on their arrival.

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The reason why North America is preferred, is on account of the cheapness of the passage. They are, therefore, principally all paupers.

I have the honor to be, sir,

Your most obedient servant.

JAMES CORSCADEN.

To LEVI WOODBURY, Esq.,

Secretary of the Treasury U. S., Washington.

No. 7—(1.)

CONSULATE OFFICE U. S. A.,

Cove of Cork, October 12, 1836.

SIR: In compliance with your circular, dated 7th of July last, I have the honor to transmit the accompanying list of passengers who have emigrated from this port to North America and New South Wales from January to August, 1836, inclusive.

The information in respect to North America, I have been favored with by Lieutenant Friend, R. N., emigration agent at Cork, in a private and verbal communication, declining, at the same, to give it in writing, without the authority of the board of customs at London. The emigrants to North America did not receive any assistance, having paid for their own deportation. The emigrants to New South Wales were sent out by Government, and provided for in the colony on their arrival.

I could not procure the returns from Limerick or Waterford, the dependencies of this consulate: and I beg to refer you to the copy of a letter I have received from Waterford, herewith sent, which will exhibit the difficulty there is in obtaining "authentic" information as required.

I am, sir, your obedient servant,

Hon. LEVI WOODBURY,

Secretary of the Treasury.

JOHN MURPHY,

United States Consul.

(2.)

WATERFORD, October 3, 1836.

SIR: I am in receipt of yours of the 30th ultimo. In reply, I made application at the custom-house for the information you required, but the officers decline giving the return without permission from the board of customs in London. They state that they are prohibited from giving any returns whatever to either merchants, ship-owners, or others. In consequence of their declining to give me any information on the subject, I applied to different ship-owners and agents concerned in emigration, but could obtain no certain or satisfactory information on the subject; in fact, some of them actually refused, fearing that their doing so might afford the means of injuring themselves (amongst others, Mr. D. Carigan and Mr. J. Penrose.) I should be happy to do any thing in my power to oblige you, and regret that I should, in the present instance, be unsuccessful; but the fact of the matter is, they fear some interference in their passengers trade, and are extremely jealous of any attempt which may be made to elicit information.

MATTHEW FARRELL.

(8.)

*A list of emigrants, and vessels in which they sailed, from Cork to North America, from January to August included, 1836.*

Try-again,	-	for New York,	-	120
Edwin,	-	for St. John's, N. B.	-	120
Andromeda,	-	for Quebec,	-	6
Champlain,	-	for St. Andrew's,	-	133
Hibernia,	-	for St. John's,	-	120
Penelope,	-	for Quebec,	-	113
Recovery,	-	for do	-	128
Eliza Ann,	-	for St. John's	-	198
Urania,	-	for Quebec,	-	189
Pallas,	-	for St. Andrew's,	-	201
Lochiel,	-	for St. John's,	-	97
John Esdale,	-	for Quebec,	-	45
Elizabeth,	-	for Halifax,	-	82
Barbadoes,	-	for Quebec,	-	200
Dominica,	-	for do	-	232
Henry,	-	for St. John's,	-	73
St. Patrick,	-	for Newfoundland,	-	74
Ponsalia,	-	for Quebec,	-	201
Kangaroo,	-	for St. John's	-	92
Bob Logic,	-	for Halifax,	-	83
John & Mary,	-	for Quebec,	-	130
George,	-	for St. John's, N. B.,	-	111
Clitus,	-	for Bay of Chaleur,	-	115
Recovery,	-	for St. Andrew's,	-	97
Aid,	-	for Bay of Chaleur,	-	70
Betsy Heron,	-	for Quebec,	-	149
Abercromby,	-	for do	-	267
Bumbury,	-	for St. John's,	-	99
Lady Amherst,	-	for St. Andrew's,	-	75
Frederick,	-	for do	-	135
Mary,	-	for St. John's,	-	75
Brisk,	-	for Halifax,	-	71
Thomas Worthington,	-	for Quebec,	-	312
Barbadoes,	-	for do	-	135
Thomas Handford,	-	for St. John's,	-	140
Susan,	-	for do	-	79
Sea-horse,	-	for do	-	100
Elizabeth,	-	for Bay of Sert,	-	51
Joseph Wheeler,	-	for Quebec,	-	115
Total,				*4,998

Recovery	-	for Quebec,	-	†133
Penelope	-	for do	-	†128
John Patterson	-	for New South Wales,	-	†340

\* Men, women, and children.

† Emigrants from Youghal, men, women, and children.

‡ Men and women.

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No. 8.

CONSULATE OF THE UNITED STATES,

*Glasgow, August 20, 1836.*

SIR: I have had the honor to receive your circular dated 7th July, with copy of a resolution adopted by the Senate of the United States on the 4th of July last, respecting the deportation of paupers from Great Britain, &c. In reply, I have merely to say that the deportation of paupers from this district is totally unknown, and I am confident never was practised.

I have the honor to be, sir,

With much respect,

Your most obedient servant

ALEXANDER THOMSON.

Hon. LEVI WOODBURY,

*Secretary of the Treasury, &c.*

No. 9.

CONSULATE OF THE UNITED STATES,

*Hamburg, August 30, 1836.*

SIR: I have the honor to acknowledge the receipt of the Treasury circular of the 7th and resolution of the Senate of the 4th ultimo, regarding the deportation of paupers to the United States. I never have had any reason to suppose persons of that description were sent from this city or neighboring towns on the Elbe, and from the inquiries I have made since the receipt of your letter, I feel convinced it has not been the case, and that nearly all the emigrants embarking from the Elbe are farmers and mechanics from the middle and south of Germany.

With great respect,

Your most obedient servant,

JOHN CUTHBERT.

Hon. LEVI WOODBURY,

*Secretary of the Treasury of the U. S. Washington, D. C.*

No. 10.

CONSULATE OF THE UNITED STATES,

*Glasgow, August 20, 1836.*

SIR: I have had the honor to receive your circular dated 7th July, with copy of a resolution adopted by the Senate of the United States on the 4th of July last, respecting the deportation of paupers from Great Britain, &c. In reply, I have merely to say that the deportation of paupers from this district is totally unknown, and I am confident never was practised.

I have the honor to be, sir,

With much respect,

Your most obedient servant,

ALEXANDER THOMSON.

Hon. LEVI WOODBURY,

*Secretary of the Treasury, &c.*

No. 11.

## CONSULATE OF THE UNITED STATES OF AMERICA,

*Leith, August 23, 1836.*

SIR: On the 8th instant I was honored by the receipt of your circular dated the 7th ultimo, calling my attention to a resolution adopted by the Senate of the United States on the 4th of July past, and in reply, I have the honor to acquaint you that there are not any paupers transported from this or the neighboring ports, either to the United States or any other country, with the exception of a few children, (six boys and five girls,) sent last year from the charity work-house in Edinburgh to the British settlements in Upper Canada, and they were apprenticed to persons who were ascertained to be of respectable character and in good circumstances.

I have the honor to be, sir,

Your most obedient servant,

ROBERT GRIEVE.

Hon. LEVI WOODBURY,

*Secretary of the Treasury, Washington.*

No. 12.

## CONSULATE OF THE UNITED STATES,

*Liverpool, September 15, 1836.*

SIR: In compliance with your instructions, in accordance with the resolution of the Senate of the United States that you cause to be collected all such facts and information as can be obtained through the custom-house, or from other sources, respecting the deportation of paupers from Great Britain and other places, &c., I have the honor to report to you the result of my investigations as far as relates to this port. I find it has been the practice with many parishes, for some years past, to send abroad such of their superabundant population as would consent to go, and although there has never been a restriction as to the place, they have invariably preferred the United States, and ninety out of a hundred, New York. Regular contracts are made by the different parishes with passenger-brokers at this place to ship them: the extent of this deportation, however, always limited in comparison with the general emigration, has recently been much diminished, in consequence, probably, of the increased demand for labor and the general prosperity of the country. The following facts are obtained from authentic sources and may be relied on. In all instances the emigration is voluntary, and the parish is not relieved by it from its obligation of support should the individual ever return. Convicts are never sent, nor the inmates of work-houses, nor those who, from age or decrepitude, are unable to support themselves. Not one person out of fifty is over fifty years old; they are generally young people who have made improvident marriages, and, without ostensible means of support, with increasing families, are likely



to become chargeable to their parish. Reputed poachers are a class of people frequently sent from agricultural districts, and out of at least a thousand, of various descriptions, shipped off by one of my informants, he is quite sure not more than twenty have ever returned. Some provision is always made for their immediate support, on landing at their place of destination. From five to ten pounds is paid by the shipping agent to each individual on the vessel's leaving port, besides their passages being paid for, and their provisions found for the voyage.

In the year 1830, the emigration from this port to the United States is estimated at sixteen thousand; out of which about six hundred were sent different parishes. In 1832 there were about five hundred sent at parish expense; since when, not more than three hundred have gone in a similar way in any one year; and during the last, although the general emigration was greater than at any former period, out of twenty-four or twenty-five thousand there were but about one hundred and fifty paupers.

I have the honor to be, with great respect,

Your obedient servant,

FRANCIS B. OGDEN.

Hon. LEVI WOODBURY,  
*Secretary of the Treasury.*

No. 13.

CONSULATE OF THE UNITED STATES,

*District of Kingston-upon-Hull, Leeds, August 30, 1836.*

Sir: I have the honor to acknowledge the receipt of your circular of the 7th July, requesting information as to the deportation of paupers from Great Britain.

I have, in consequence, been making particular inquiries on the subject throughout my consular district. I find that no list, that can be relied on, of passengers sailing from Hull, is kept at the custom-house, which distinguishes the paupers from those of a better class: regular muster-rolls are kept, but the parties are merely described by their names, ages, and from whence they come and occupation.

The officers of the customs are well aware that paupers do proceed, both to the United States and Canada, and it has been admitted by the owners of several vessels sailing there, that their passages are paid by the overseers of the parishes to which they belong. The mode of doing this varies according to the trust-worthiness of the pauper; if good, he is trusted to make his own bargain, and generally has a trifle of money advanced to him for use when he quits the vessel, to enable him to get up the country. If the man is a bad character, he is generally the best off, as the overseers pay his passage-money and procure for him the necessaries for his voyage. The man then turns restive, and oftentimes refuses to go unless more money is given him, generally £5 or £10 more than was first agreed on. So that the worse the character the better able the pauper is to make his way when he quits the vessel. One ship-owner, whose vessel sailed this year to the United States from Hull, and who has had several previ-

ously, says he believes that nearly all the passengers go to the back settlements to their friends, who had previously gone there and had written for them; and that it very rarely happened that any family went out on a roving expedition, not having an object. It appears that the greater emigration from Hull is to Canada, to whence the passage-money is reduced, and many instances have been discovered where the overseers have agreed with the paupers, and paid them the passage-money to the United States, but the paupers have adopted the plan of getting there through Canada, on account of the moderate charge for the passage, which means they have taken more money with them into the country.

It is the general opinion among the owners of vessels, that during the last two years the number of paupers emigrating to the United States and Canada has very much diminished; very few have gone from the large county, (Yorkshire,) as labor has been easily obtained and wages have improved.

A merchant who had a vessel sailed from the port of Hull this year with several families, in all one hundred and sixty-three persons, states that he does not believe there were more than one family of three persons who were of the class of paupers, the rest were all persons who appeared able to bear their own expenses, and some, although in appearance poor, were known to have in their possession considerable property. Another counteracting effect of the emigration of paupers, is the return of several within the last year or two to their parishes which are bound to receive them, and the knowledge of such proceedings deters other overseers from being so ready to assist as they were some years ago.

Liverpool being the principal port from whence emigration takes place, I beg to enclose you herewith a statement that has been published of the number who have sailed from the 1st of January to the 5th of July last, designating the countries to which they have gone, and the number for the years 1833, '34, and '35.

A society was formed, some time since, for the purpose of sending young females out to New South Wales, but, as will be perceived by the enclosed copy of a resolution passed by them, they now decline recommending any further emigration there, owing to the excessive immorality stated to prevail there.

With great respect I am, sir,  
Your obedient servant,

**ALBERT DAVY,**

*Consul U. S. A., Kingston-upon-Hull.*

**HON. LEVI WOODBURY,**  
*Secretary of the Treasury.*

[Enclosures.]

It appears, from a return which has just been prepared, that, from the 1st of January last to the 5th of July, 24,065 persons have emigrated from Liverpool, 7,518 in the first three months of that period, and 16,547 in the last three months. Of the latter number 3,825 proceeded to the British colonies in North America, 12,414 to the United States, 18 to the Cape of Good Hope, 37 to Calcutta, and 74 to South America. In the year 1835 the total number of emigrants was 16,542; in 1834

30,886; and in 1833, 15,886; making a grand total of persons who  
emigrated this country in the last three years and a half of 76,139. In the  
present quarter, ending the 5th of July, we stated above that the num-  
ber of emigrants was 16,547; in the corresponding quarter of last the  
number was 8,293, which gives an increase on the present quarter of  
8,254.

The *Emigration Committee* recently came to a resolution "that ad-  
verting to the information imparted to the committee, both collectively  
and individually, of the excessive immorality stated to prevail in certain  
districts of New South Wales, they have formed the opinion that they  
cannot conscientiously recommend to the Government to encourage the  
further emigration of single females to Sydney, unprotected by parents  
or near relatives, however well selected."

No. 14.

COLLECTOR'S OFFICE,  
*Philadelphia, November 2, 1836.*

SIR: In conformity with your direction, under date of the 7th July  
last, in relation to the deportation of paupers from Great Britain and  
other places, I made immediate application to the Board of Health and  
Board of Guardians of the Poor of this city, as the only authentic sources  
of information within my reach. The President of the Board of Guard-  
ians informs me that a report is preparing under his instructions, which  
will be handed in at as early a day as possible, the necessary examinations,  
as he tells me, having rendered it impracticable to complete the return  
by the 1st instant.

I am, sir, very respectfully,  
Your obedient servant,  
J. N. BARKER, *Collector.*

The honorable LEVI WOODBURY,  
*Secretary of the Treasury.*

No. 15.

CUSTOM-HOUSE, BOSTON, *September 27, 1836.*

SIR: I received in due course of mail your letter of July 7, enclo-  
sing a copy of a resolution adopted by the Senate of the United States  
respecting the deportation of paupers from Great Britain and other places.  
There are comparatively few emigrants from Great Britain to this port. The  
principal emigration is of the Irish population, by the way of Nova Scotia,  
New Brunswick, and Eastport, in Maine. I have not been able to learn,  
after diligent inquiry, that any paupers have been sent out here from  
Europe. In making inquiries on this subject, I received the following  
statement from Godfrey McCrae, now master of the Rover, of St. An-  
drew's, N. B. In June, 1835, said McCrae was mate of the British ship  
Robert Watt, from London to New York, on board of which were many

emigrants. McCrae was informed, during the voyage, that about six families of those emigrants were paupers, sent out by and at the expense of their respective parishes. He does not recollect the names of the paupers nor the parishes whence they came.

Respectfully, &c.

DAVID HENSHAW, *Collector.*

The honorable LEVI WOODBURY,  
*Secretary of the Treasury.*

No. 16.

CUSTOM-HOUSE, BALTIMORE,

*Collector's Office, November 23, 1836.*

SIR: I can find no letter on our file from the Department of the date of the 7th July, requiring information concerning English paupers deported to the United States. Being, therefore, unaware of your request, we could not write on the subject until the receipt of your letter of 22d instant.

We have no reason whatever to believe that any paupers have been brought from Great Britain to the port of Baltimore; for, in looking over the arrival of passengers for the last two years, we find the whole number so small and so scattered throughout a number of vessels arriving from Great Britain, that it would be unreasonable to consider them other than passengers in the ordinary sense of the term.

I have also received an answer to the note addressed by your suggestion to our municipal authorities, and which states that, after having made the necessary inquiries, they "have every reason to believe that no English or Irish paupers have been brought to the port of Baltimore during the present or past year."

I am, sir, respectfully,

J. H. McCULLOH, *Collector.*

LEVI WOODBURY, Esq.,  
*Secretary of the Treasury.*

No. 17.

COLLECTOR'S OFFICE,

*Philadelphia, November 29, 1836.*

SIR: I am at length enabled to forward you, enclosed, the report from the Board of Guardians of the Poor, on the deportation of foreign paupers.

I am, sir, very respectfully, &c.

J. N. BARKER, *Collector.*

Hon. LEVI WOODBURY,  
*Secretary of the Treasury.*

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PHILADELPHIA, November 28, 1836.

DEAR SIR: In compliance with a resolution of the Board of Guardians, I enclose you a copy of the report to them, made by the committee to whom were referred the communications received from you in relation to the deportation of foreign paupers.

Respectfully, your obedient servant,  
GEO. W. JONES,  
*President of the Board.*

To JAMES N. BARKER, Esq.,  
*Collector of the port of Philadelphia.*

The committee to whom were referred the communication and documents received from James N. Barker, Esq., collector of the port of Philadelphia, in relation to the deportation of paupers from Great Britain, report:

That, after having caused an examination to be made of the foreign paupers in the House, they have not been able to ascertain that any of them had been sent to this country, or to the British provinces, by overseers of the poor in England, or elsewhere, or had received aid from any parish to enable them to emigrate.

The only information having any relation to the subject of inquiry derived from their examination is, that the practice of sending away persons chargeable to parishes by parochial aid is quite general in England, and that hundreds have been in this way sent. This practice, however, as far as they profess to be informed, is confined to emigration to the British settlements.

Your committee would here remark, that there is great difficulty in procuring from a pauper any information which might affect himself; and that, should there be in the house any person who had been sent either to this country or to the British settlements by parochial aid, the apprehension that he would be discharged from the house upon the fact being known, would induce him to conceal it.

The reports of the poor-law commissioners of England furnish some information as to the deportation of paupers from that country. In the instructions of these commissioners to their agents in different districts, the attention of those agents is particularly directed to emigration, as one mode of relieving the parishes from their superabundant poor population, and thereby reducing the poor rates. They speak of emigration generally, and do not confine it to the British settlements. So, in some of the reports made by those agents to the commissioners, deportation of paupers by means of parish aid is mentioned as having taken place, without naming the country to which they had been sent. In some reports the British provinces in North America are mentioned as their places of destination; and from one report it appears that four families had been sent by the parish of Rye to New York. These reports comprise but few of the parishes in England and Wales; not more than two hundred parishes out of near fifteen thousand; and, therefore, while they establish the fact that paupers have been sent from England to the United States, as well as to the British settlements, they do not show to what extent this practice has prevailed in that kingdom.

It may be inferred from these reports, that the great majority of persons thus sent by the parishes have been taken to the British settlements. Inasmuch, however, as these persons, when landed, have great difficulty in procuring employment, (a fact which is mentioned in the reports,) and as a large proportion of the inmates of the house who were born in England and Ireland came to this country from the provinces where they first arrived, it is more than probable that, of the persons thus sent to the British settlements by parishes in England, great numbers eventually come into the United States.

The only additional information on this subject has been obtained from Mr. ——— Brown, a gentleman of this city, who arrived at New York in the ship *Sir Edward Hamilton*, in August, 1833, having sailed from Hull. He states that, on board of that vessel, came as passengers a family consisting of a man, his wife, and three children, whose passages had been paid for by a parish in the western part of Yorkshire; also, an old man whose passage had been paid for by the parish of Preston, in Yorkshire; that on board of the same vessel were several other persons whose passages, he believed, had been paid for in the same manner, although he did not know it with certainty.

The resolution of the Senate directs the Secretary of the Treasury to collect information as to the provision, if any, made for the future support of the paupers thus deported. On this branch of the inquiry your committee report that, from all the information they have been able to obtain, they are of opinion there is no uniform rule observed as to the provision made for their future support. There is no law regulating the mode in which paupers may be sent. Each parish, in sending out its paupers, makes its own agreements, which it may be presumed are as favorable to itself as the pauper is willing to accept. Therefore, whether the pauper is to receive upon his landing, any support, and if any, its extent, depends upon his agreement with the parish that sent him. The reports of the poor-law commissioners, already referred to, are silent on this subject. From the examination made of the inmates of the house, the committee have ascertained that one guinea was paid to each of the paupers brought by one vessel to Quebec, upon their landing at that place; that, in some instances, one hundred acres of land in Canada were offered to each of the paupers upon their landing, which offer, by many, if not the greater number of them, was declined; and that, in other instances, as far as your committee are informed, no provision whatever was made for their future support.

Among the paupers in the house, there are several persons who have been pensioners of the Government of Great Britain, and their being in this country is attributable partly to the agency of that Government. Nine of these pensioners were examined, and from their examination it is evident—

1st. That, in the year 1831, and since, the Government of Great Britain invited all persons who had served in its armies and received pensions, to commute their pensions.

2d. That one condition of this commutation was, that the pensioners should proceed to the British settlements in North America, or elsewhere.

3d. That the arrangements for the emigration of the pensioners and their families were generally made by the agents of the Government.

4th. That, in some instances, the pensioners were sent to New York; and that in New York they received from Mr. Buchanan, the British consul, a part of the money for which they had commuted their pensions.

5th. That one person thus sent to New York is now a pauper in this house.

6th. That all pensioners who were willing to commute were permitted ; that no difference was made whether the pensioner was old and infirm or strong and healthy ; that many of them were aged and infirm, unable to work, and unable to endure the climate of Canada. In one instance the pensioner was totally blind, and that hundreds of them, many of whom have families, have come into the United States.

7th. That of these pensioners, thus sent to the British settlements, there are at this time nine, with the families of some of them, making in all twelve persons in the house.

8th. That, in the year 1835, and ever since, there have been many of these late pensioners with their families in this house. Some of them now in the house say that there are fewer at this period than there have been heretofore.

Accompanying herewith is a statement of the admissions of paupers into the house during the year ending the 24th day of November, 1836, together with their places of nativity ; from which statement it appears that, of the whole number of admissions, viz. 2,781, there were admitted,

natives of the British dominions	-	-	-	1,082
Natives of other foreign countries	-	-	-	184
Total number of foreign paupers				<u>1,266</u>

Total number of American paupers	<u>1,515</u>
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All of which is respectfully submitted.

GEORGE W. JONES, *President.*

STATEMENT of admissions into the Philadelphia Almshouse during the year ending November 24, 1836.

AMERICANS.

	Philadelphia.	Pennsylvania.	New Jersey.	New York.	Connecticut.	Rhode Island.	Massachusetts.	New Hampshire.	Vermont.	Maine.	Delaware.	Maryland.	Virginia.	North Carolina.	South Carolina.	Georgia.	Ohio.	District of Columbia.	Unknown.	Total.
Males	456	172	53	29	1	3	11	3	1	1	89	58	15	5	3	2	1	1	26	903
Females	254	100	54	26	1	4	5	1	-	1	88	62	10	4	-	2	-	-	30	612

Males born in Philadelphia	456
" " Pennsylvania	172
" " other parts of the Union	275
Females born in Philadelphia	258
" " Pennsylvania	100
" " other parts of the Union	254
Total	1,515



	England.	Ireland.	Scotland.	Wales.	British America.	France.	Germany.	Holland.	Switzerland.	Prussia.	Denmark.	Sweden.	Africa.	West Indies.	Ocean.	Total.
Males	112	604	26	5	9	15	84	7	2	2	2	1	7	14	2	892
Females	28	280	9	4	5	4	24	3	1	1	1	-	3	10	3	374

Of the foreign paupers—there were born in the British dominions  
 “ “ other foreign countries

1,082  
 184  
 1,266

No. 18.

CONSULATE OF THE UNITED STATES,

*London, October 19, 1836.*

SIR: I received the circular, dated the 7th July last, which you did me the honor to address to me, calling my attention to a resolution of the Senate directing the Secretary of the Treasury to lay before the body, at its next session, information respecting the deportation of paupers from Great Britain and other places, and requesting that I would procure, from authentic sources, such facts relating to the inquiries contained in the resolution as will enable the Treasury Department to comply with the directions of the Senate.

On receipt of the circular, I lost no time in making application to the various sources from which I expected to obtain the desired information. I have now the honor to lay before you such facts in relation to this subject as I have been able to collect, regretting at the same time that so much delay has arisen from the absence, as usual at this period of the year, of many individuals to whom I applied, that I could not possibly transmit the result of my inquiries at an earlier period.

They were directed chiefly to the custom-house, the shipbrokers of this city, the poor-law commissioners, and the agents of this consulate.

At the custom-house it appears that no account is taken of passengers except by British vessels, and then only in case there is an excess above the number limited by law to the tonnage of the ship.

The brokers have no accounts whatever, at least nothing beyond mere memoranda, on which little reliance can be placed.

From the poor-law commissioners I obtained all the facts and information which it was in their power to communicate on this subject. They arise out of their proceedings by virtue of the 62d section of the poor-law amendment act, passed the 4th of August, 1834. Acting under the section, the poor-law commissioners have frequently authorized parishes to raise money on the security of their rates for the purpose of defraying the expenses of the emigration of poor persons having settlements in such parishes; and they have, in such cases, issued orders in accordance with the form which I have the honor to enclose. In this form is a condition that the emigrants shall go to some British colony, and it will be observed that a provision is made that, on the arrival at the place to which the parties are contracted to be conveyed, the sum of two pounds at least shall be paid to each head of a family emigrating, and one pound at least to each single man or single woman not being part of a family. The commissioners have not felt it to be within their province to make any further provision for the support of emigrants after they shall have arrived at their destination. They have, however, waived the condition "that parties emigrating shall go to some British colony," in a few instances; in most of which the parties desiring to emigrate had already friends in the United States. The total number of emigrants who have thus gone out to the United States, under the provisions of the poor-law amendment act, during the past year, from July, 1835, to July, 1836, is 191 out of 5,141, the remainder of whom have emigrated to British colonial settlements.

The agents of this consulate have furnished me with lists of emigrants

from their respective ports, most of whom are supposed to be paupers. These lists are embodied on a paper which I have the honor to enclose. The list of emigrants from Rye, in Sussex, extends as far back as the year 1829. The pauper emigration from that port has been greater than from any other in the district of London. The class of individuals who leave this country by way of the metropolis is very much improved of late years, having, in general, competent means of their own.

With the view of putting you in possession of all the information which could be possibly obtained on this subject, I have placed on board of the ship St. James, now about sailing, some works which treat on the poor laws and emigration. They are in a parcel addressed to the care of the collector of New York, who will forward them to you. The works are as follow :

1. Report from select committee on emigration	-	-	-	1827
2. Farther report on same subject	-	-	-	1827
3. Administration and operation of the poor-laws	-	-	-	1833
4. Report of poor-law commissioners	-	-	-	1834
5. First annual report of poor-law commissioners	-	-	-	1835
6. Report on the disposal of lands in the British colonies	-	-	-	1836
7. Poor-law amendment act	-	-	-	1834
8. Act for regulating the carriage of passengers from the United Kingdom	-	-	-	1835

The first and second treat at large on the subject of emigration, both to the British colonies and the United States.

The subject of emigration is occasionally introduced in the third, and in the fourth it is briefly adverted to; both these works, however, show that the assistance rendered by parishes to pauper emigrants did not far exceed the expense of passage, there being a trifle to spare on reaching their destination.

In the fifth work will be found, at page 90, the circular of instructions from the poor-law commissioners for facilitating emigration.

In the sixth, the land sales in the United States are often adverted to, with the view of adopting the system there established.

I have the honor to be,

With the greatest respect, sir,

Your most obedient servant,

THOS. ASPINWALL.

Hon. LEVI WOODBURY,  
Secretary of the Treasury.

*Official return of emigrants from the port of Rye, in Sussex, from 1829 to May, 1836, both inclusive, three-fourths of whom are supposed to be paupers.*

Date.	Ship.	Master.	Where bound.	No. of passengers
1829.				
March 23	William	Samuel Vidler	New York	47
31	Fame	J. Crowhurst	Do.	35
April 7	Emma	John Frost	Do.	99
May 5	William Shand	William Boswell	Do.	142
23	Newton	James Melvin	Quebec	25
Dec. 27	William Shand	William Boswell	New York	90
1830.				
March 10	Emma	John Frost	Do.	88
10	Fame	J. Crowhurst	Do.	37
26	Newton	J. Melvin	Do.	102
27	Columbia	J. Delano	Do.	158
April 7	Robert & Ann	George Richmond	Do.	129
8	William	Samuel Vedler	Do.	26
May 7	Sussex	W. Cranstown	Do.	92
24	Cambria	J. Moore	Do.	17
June 12	United States	J. Knight	Do.	83
July 12	Rapid	H. Shoop	Do.	57
August 10	Robert Edwards	J. Sherberg	Do.	27
Sept. 28	Corinthian	R. Shadwick	Do.	40
1831.				
March 9	Hudson	Morgan	Do.	18
April 29	Alfred	F. Gravet	Do.	62
1832.				
April 5	Ami	M. Miller	Do.	93
26	Newton	J. Bell	Do.	96*
May 9	Alfred	T. Gravet	Do.	76
30	William	S. Vedler	Do.	15
1833.				
April 4	Emma	John Frost	Do.	50
8	Newton	John Bell	Do.	30
June 10	Ami	Matthew Miller	Do.	50
1834.				
April 9	Emma	John Frost	Do.	80
1835.				
March 31	Alfred	Thomas Gravet	Do.	78
1836.				
April 16	Alfred	Thomas Gravet	Do.	72
May 25	Socrates	R. Metcalf	Do.	70

\* £39 was paid to 26 paupers in the ship Newton.

It could not be ascertained what provision was made for the support of these emigrants from Rye after landing. The sum generally allowed was twenty or thirty shillings for each, according to the agreement they might make with their respective parishes. This was either paid to them on their going on board, or given to the master of the vessel, to be paid them on their landing. The master also received four shillings and sixpence, or one dollar for each, to be paid by him to the proper authorities in New York, as required by the law there.

*Emigration of poor persons from Deal, in Kent.*

- 1830, 1 family, 6 in number, to Western Australia, assisted by the parish with fifteen pounds.  
 1833, 1 do. 5 in number, to New York, assisted by the parish with twenty-one pounds.  
 1834, 2 do. 4 in each, to New York, furnished with provisions for the voyage.

*From Holden, in Kent.*

- 1832, 1 laborer to New York, assisted by the parish with ten pounds, returned within twelve months.

*From Northbourn, in Kent.*

- 1833, 11 persons to United States, expense to the parish one hundred and seventeen pounds. Three of these persons died in the United States, the others returned home in about two years.  
 1834, 6 persons to New York, assisted by the parish to the amount of twenty-two pounds.

*From Mingsham, in Kent.*

- 1830, 2 families, 13 in number, to New York, cost the parish one hundred and eighteen pounds.

*From St. Lawrence, in Kent.*

46 paupers have been sent within the last three years; 36 of whom went in the ships "John Stamp" and "Gratitude," from Ramsgate to New York. The remaining ten went from London, but by what vessel or to what place is unknown. Whether any provision was made for them after landing cannot be ascertained.

*From Yarmouth, in Norfolk.*

The first deportation of paupers from this port was in 1829. From that year to the end of 1835, the annual average number of vessels with paupers was four. During the year 1836 fourteen vessels have sailed for Quebec with passengers, the average number of which was about eighty adults in each vessel, a small proportion of which was landed at Prince Edward's island.

Two-thirds of the whole are supposed to be paupers. The provision made for their support after landing was about twenty shillings for each.

No vessel has sailed from Yarmouth with passengers for any port in the United States.

*To the Churchwardens and Overseers of the parish of ———, in the county of ——— : To the Clerk of the Justices of Petty Sessions, held for the division of the said county in which said parish is situated, and to all others whom it may concern :*

Whereas, in pursuance of an act passed in the fourth and fifth years of the reign of his Majesty King William the Fourth, entitled "An act for the amendment and better administration of the laws relating to the poor in England and Wales, the rate-payers of the parish of ———, in the county of ———, and owners of property therein, entitled to vote in the manner provided in the said act, assembled at a meeting duly convened for the purpose, have directed the overseers to borrow the sum of ——— pounds, to be charged on the poor-rates of the said parish, as a fund for defraying the expenses of the emigration of several poor persons having settlements in the said parish, to be repaid by equal annual instalments, with interest not exceeding five per cent. per annum, within ——— years from the time of borrowing the same :

Now we, being the poor-law commissioners for England and Wales do hereby, in pursuance of the powers and authorities conferred on us by the aforesaid act, confirm the above direction made by the rate-payers and owners of property in the said parish of ——— as aforesaid. And we do hereby further authorize the churchwardens and overseers of the said parish of ——— to borrow the said sum of money in any of the lawful modes heretofore in use, or to make application to the exchequer bill loan commissioners for an advance of the whole of the said sum or of any such part thereof as may be found necessary. And we do hereby further order and direct that no part of the aforesaid sum of ——— pounds shall be expended unless the following conditions be strictly observed :

1st. The parties emigrating shall go to some British colony.

2d. A contract shall be entered into for conveying them to such place in the way to their destination as the poor-law commissioners for England and Wales, or the agent general for emigration, shall approve.

3d. Such contract shall be sanctioned by the agent general for emigration, or by one of the Government emigration agents at the out-ports and shall include the maintenance and medical attendance of the emigrants during the passage ; and also a provision that, on arrival at the place to which the parties are contracted to be conveyed, the sum of two pounds, at least, shall be paid to each head of a family emigrating, and one pound, at least, to each single man or single woman, not being part of a family.

Given under our hands and seal, this ——— day of ———, in the year one thousand eight hundred and thirty——.

[ L. s. ]

T. FRANKLAND LEWIS,  
J. G. S. LEFEVRE,  
GEO. NICHOLLS.

No. 19.

MUNICH, *October 16, 1836.*

SIR: In answer to your favor of the 7th of July, I can give you the assurance that the Bavarian Government never made a deportation of paupers to the United States. On the contrary, I know many people who emigrated from Bavaria to the United States with no inconsiderable sums of money. I shall not fail to inform you instantly, if any case should happen which has reference to your estimable letter.

I am, very respectfully,

Your obedient servant,

ROBERT DE KUEDORFFER,

*Consul of United States of America.*

Hon. LEVI WOODBURY, *Washington.*





DANIEL T. PATTERSON.

[To accompany bill H. R. No. 785.]

DECEMBER 30, 1836.

*Printed*

M. E. WHITTLESEY, from the Committee of Claims, made the following

REPORT:

*To Committee of Claims, to which was referred the petition of Captain Daniel T. Patterson, of the navy of the United States, report:*

That the petitioner having fully stated the facts of his case in his petition, and having assigned the reasons why, in his opinion, Congress should grant relief, the committee will ask that the petition be printed.

The claim is principally for extraordinary expenses incurred in visiting different courts in the countries bordering on the Mediterranean, when navigating that sea as commander of the naval forces of the United States; and in entertaining the high dignitaries and their attendants, when visiting his ship, in the years 1832, '33, '34, and '35. These expenses, he says, were to sustain the character of his country, and to leave a favorable impression on the courts mentioned; and were strictly national, and not private.

He says, if his compensation at the time had been what it is fixed at by the act of 3d of March, 1835, he would not have asked for any remuneration; and he supposed to extend that compensation back to the time he took the command, as mentioned, would be the most acceptable to Congress in making him an allowance, and he therefore presented the difference between the two rates of compensation, as the amount he claimed, so far as the expenses mentioned were concerned. Two items of his account are not included as coming within that rate of compensation.

The committee desired to see a statement of his expenses, which was exhibited, and is referred to as a part of this report.

There are several cases where Congress has, by special legislation, defrayed similar expenses.

The following cases are referred to:

Captain William B. Finch, vol. 8, page 448, act of March 2, 1831.

Captain John D. Sloat, vol. 8, page 766, act of February 20, 1833.

Master Commandant M. C. Perry, 2d session 23d Congress, pages 80 and 81, March 3, 1835.

Master Commandant Shubrick, 2d session 23d Congress, page 81, March 11, 1835.

Captain John Downes, 2d session 23d Congress, page 35, act March 2, 1835.

E. & Rives, printers.

The amount of the expenses incurred by Commodore Patterson, and which the committee think should be paid, is three thousand three hundred and ninety-one dollars.

The committee do not allow the charge of two hundred and fifty dollars for transportation and finding of D. S. McCauley, Esq., consul of Tripoli, and family of eleven persons and baggage, from Malta to Tripoli, in July, 1835. They consider it as a private transaction between the parties.

They do not allow the item of \$186 31, the difference of pay between a captain in command of a squadron and a captain on duty, from the 25th October, 1835, to the 9th of March, 1836.

Nor do they allow the item of \$438 35, which is attached to his petition presented on the 12th December, 1836, which he charges in lieu of commissions while commanding the squadron in the Mediterranean; that is to say, from the day on which Commodore Rodgers transferred the command to him and departed from the Mediterranean on his return to the United States, (viz: 30th May, 1827,) to the day on which the command was transferred to Commodore Crane, viz: 18th August, 1827—80 days, at \$2,000 per annum, \$438 35.

It appears from the testimony, that the commanding officers of squadrons on foreign stations formerly were allowed two and a half per cent. for drawing bills of exchange on account of the service, when there was no navy agent within a convenient distance. This commission was afterwards commuted at \$2,000 per annum; but neither allowance seems to have been made after 1826-'27. Such commanding officers in several instances have been charged with negotiating with foreign powers, and have been paid at the rate of \$4,500 per annum.

Captain Patterson's compensation might have been too small, and it appears from the passage of the act of March 3d, 1835, that Congress was of that opinion; but he received what he was entitled to by law, and the committee are not disposed to give indirectly a retrospective operation to the act referred to. If the accounting officers can, consistently with the law and the rules and regulations by which they are governed, make these allowances, the committee would interpose no objections; but, in the opinion of the committee, these items should be left to them.

The committee herewith present a bill for the money expended in visiting foreign courts, and in entertaining the officers of foreign Governments.

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*To the honorable the Senate and House of Representatives of the United States in Congress assembled:*

The memorial and petition of Daniel T. Patterson, a captain in the navy of the United States,

**RESPECTFULLY SNEWETH,**

That your memorialist, then being a captain in the navy of the United States, was appointed to the command of the naval force of the United States in the Mediterranean sea, and that he assumed that command in the month of July, 1832; that he accepted said appointment under the hope that the same allowances of pay, &c. would be extended to him, as it had been the practice of the Government to extend to those officers who had preceded him in the command of that important station. Such allowances, your memorialist was aware, under ordina

circumstances, were sufficient to meet the constant calls made upon the resources of the officers in command. With this hope, your memorialist, anxious to discharge his obligations to the nation and the Government, accepted the appointment, and entered upon the duties of that station. Whilst performing the duties appertaining to him as commander of a squadron, he was exposed to incur expenses on several occasions, without which they could not have been properly discharged. Of these expenses your memorialist respectfully begs leave to submit a schedule for the consideration of your honorable bodies, and to solicit relief, as they were contracted unavoidably and for the honor and advantage of the nation; and as allowances have been frequently made to officers in similar cases, your memorialist trusts that his petition will not be viewed as unreasonable; and your memorialist begs leave further to state, that peculiar circumstances, which may be supposed not to have been contemplated by your honorable bodies, have rendered his emoluments, during the period in which he was in command of the Mediterranean squadron, much less than those of any officer who preceded him, for the same length of time. Your memorialist asks the consideration of your honorable bodies to the facts set forth in the accompanying schedule, by which it will be seen that he received and entertained on board of his ship, and was presented with his officers to the heads of the Governments of the various countries where the presence of the squadron was directed and required, either for the general protection of the commercial interests of his own Government, or in furtherance of particular and important objects. Under such circumstances, your memorialist believes it scarcely necessary to observe that such visits are frequently proffered, that they cannot well be refused, and that the expense incident thereto is not small. Your memorialist may also be permitted to express the opinion that they are advantageous, and that the respect for our naval superiority thus imposed upon the minds of men who arrange and conduct the affairs of nations, by displaying the efficiency of our equipments and the order and discipline of our crews, must be highly beneficial in preventing aggressions upon our commerce, and in securing immediate reparation for those committed. Such, indeed, would seem to have been the view taken by your honorable bodies, from the liberal appropriations which have been made to cover expenses incurred for these purposes, by commanders of squadrons, and even of single ships. Your memorialist further represents, that in compliance with the immemorial customs of oriental civility, he was obliged to make presents, not only to many of the high dignitaries of Turkey, Egypt, and Barbary, with whom he had intercourse, but also to their inferior officers and attendants. Some of these presents were costly; others were of less value, but their multiplication made the total amount formidable to the purse of a private individual. To have omitted such presents, would have given offence; and to have alleged that he was prevented by the fundamental law of his country from receiving others in return, would have had no effect in diminishing the difficulty. The usage has been long established, and is universally complied with in treating with Governments in which the feelings of individuals have infinitely more weight than either justice or policy. A nation that presents a bold front can well afford to make such trifling concessions.

In addition to the expenses incurred by his intercourse with foreigners, your memorialist has further to state, that it became necessary for him to transport an agent of our own Government, with his family, to the place of

his official residence, at a time when circumstances would have rendered his conveyance by a private vessel impolitic. Such were the circumstances occasioning the expenses for which your memorialist now solicits relief; his receipts from the Government, compared with those of his predecessors in the same command, will serve to show how little your memorialist could afford to bear them.

From the 1st of July, 1832, when your memorialist assumed the command of the Mediterranean squadron, until the 3d March, 1835, when the new law regulating the pay of persons engaged in the naval service took effect, your memorialist received \$1,200 annually, and sixteen rations per diem, which, at twenty-five cents each ration, made the whole amount to \$2,660 a year. This was the rate of pay of a captain in command of a squadron, as fixed by the early regulations for the navy; but two thousand dollars were annually allowed to such officers, in addition, down to 1826, in lieu of a per centage for drawing bills; and after the suppression of that allowance, the captains who successively commanded the Mediterranean squadron, between the years 1828 and 1832, received sums for diplomatic services, which rendered their receipts proportionably greater than those of your memorialist will be, should his petition be granted. By the law of March 3, 1835, your memorialist received at the rate of \$4,000 per annum whilst in command of the squadron; by the second section of that law he is precluded from all further allowances, either for drawing bills or for any extra service whatever, except mileage when travelling under orders. It would appear from the terms of this act that your honorable bodies had been aware of the inadequacy of the former stated pay, and, determining to preclude allowances in future, had supplied their place by an appropriate augmentation. If this view be correct, your memorialist trusts that your honorable bodies will not render his case the only exception to a rule which has thus been formed upon principle, confining him to an allowance inferior to those heretofore made or hereafter to be made. Your memorialist also begs leave to observe, that should his petition be granted, his whole receipts would even then be less than they would have been, had his pay throughout the period of his command been regulated by the existing law.

DANIEL T. PATTERSON,  
*Captain U. S. Navy.*

WASHINGTON, D. C.,  
May 3, 1836.

*The United States,*

*To Commodore Danl. T. Patterson, Dr.*

To extra expenses, officially and unavoidably incurred by him whilst commanding the United States naval force in the Mediterranean, in the years 1832, 1833, 1834, and 1835, particulars of which are stated below.

Reception of Don Miguel, in August, 1832, then King *de facto* of Portugal, and suite, on board the frigate United States, at Lisbon,

\$275 00

Prime minister and admiral of Tripoli detained on board the frigate United States three days, from bad weather, off Tripoli, and presents to attendants of the Bashaw of Tripoli, when I visited him in December, 1832

255 00

## [ Rep. No. 37. ]

Presents (bayshees) to attendants as pipe-bearers, coffee-bearers, &c. &c., of the Bey of Tunis, when presented to him in December, 1832	\$250 00
Reception of the King of Greece, and suite, on board the frigate United States, in September, 1833, at Napoli de Romania.	350 00
Reception of and collation to the great officers of State of the Sublime Porte, (representing the Sultan,) and numerous suites on a visit to the frigate United States; presents to their officers and suites, and a sword to the aid-de-camp of the Pacha of the Dardanelles, in November, 1833, and presents to his suite, and expenses attending the presentation of myself and officers to the Sultan	950 00
Preparing for the reception of Mohammed Ali, the Viceroy of Egypt, and suite, for a promised visit to the United States ship Delaware; presents to his attendants when presented to him in August, 1834, and for use of kiosk	675 00
Transportation and finding of D. S. McCauley, Esq., consul of Tripoli, and family of eleven persons, and baggage, from Malta to Tripoli, in July, 1835	250 00
Reception of, and expenses attending a visit from the King of Naples, three brothers, uncle, and suites, on board the United States ship Delaware, and presentation at court of myself and officers, in September, 1835	350 00
Presents (bayshees) to attendants and suite of the Governor of Damascus, and hire of janissaries at Bieront and Jaffa	286 00
	<u>\$3,641 00</u>

*The United States,**To Commodore Daul. T. Patterson, Dr.*

To difference of pay between a captain in command of a squadron, and a captain on other duty, from the 25th October, 1835, to the 9th March, 1836, inclusive, viz:	
136 days, at \$4,000 per annum, pay of a captain in command of a squadron	\$1,490 41
136 days, at \$3,500 per annum, pay of a captain on other duty	1,304 10
	<u>\$186 31</u>

*The United States,**To Daniel T. Patterson, Dr.*

For allowance in lieu of commissions while commanding the squadron in the Mediterranean; that is to say, from the day on which Commodore Rodgers transferred the command to him, and departed from the Mediterranean on his return to the United States, (viz. the 30th May, 1827,) to the day on which the command was transferred to Commodore Crane, viz. 18th August, 1827,) 80 days, at \$2,000 per annum	\$438 35
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## DOCUMENTS

In relation to the bill (S. 34) "*giving effect to the 8th article of the treaty of 1819 with Spain.*"

### IN SENATE OF THE UNITED STATES.

JANUARY 4, 1837.

Mr. KING, of Georgia, submitted the following documents in relation to Senate bill (No. 34) "*giving effect to the 8th article of the treaty of 1819 with Spain,*" which were ordered to be printed.

*List of Papers translated by Robert Greenhow, translator of foreign languages to the Department of State of the United States, for the honorable J. M. White, of Florida.*

- A. Letter from Don A. Calderon de la Barca, minister of Spain in the United States, to the honorable J. M. White, dated March 10, 1836.
- B. Preliminary convention of November 3, 1762, between France and Spain, for the surrender of Louisiana to the latter.
- C. Acceptance of the cession of Louisiana by the King of Spain, November 13, 1762.
- D. Definitive act of cession of Louisiana by France to Spain, November 23, 1762.
- E. The 6th article of the preliminary convention of Fontainebleau, of November 3, 1762; identical with—
- F. The 7th article of the treaty of peace and friendship between Spain and France, signed at Paris, February 10, 1763.
- G. Note from the Duke de Choiseul, prime minister of France, to the Spanish ambassador at Paris, accompanying—
- H. Order from the King of France to the Governor of Louisiana to deliver that province to Spain, April 21, 1764.
- I. The 2d article of the treaty between Spain and the United States, signed at San Lorenzo el Real, October 27, 1795.
- K. Preliminary and secret treaty of October 1, 1800, between France and Spain, for the enlargement of the territories of the Duke of Parma and the restoration of Louisiana to France.
- L. Treaty of Aranjuez, for the enlargement of the dominions of the Duke of Parma, or rather for his elevation to the throne of Tuscany, and the restoration of Louisiana to France, signed March 21, 1801.

M. Letter from the Secretary of State of Spain to Mr. C. Pinckney, minister of the United States at Madrid, refusing to sell Florida or to admit an American commercial agent at New Orleans, April 7, 1802.

N. Letter from Charles Pinckney, minister of the United States in Spain, to the Secretary of State of Spain, respecting the conduct of the Intendant of New Orleans, and proposing, in the name of the United States, to purchase the Floridas, February 17, 1803.

O. Propositions accompanying the above letter N.

P. Letter from the Secretary of State of Spain to Mr. C. Pinckney, complaining of the sale of Louisiana by France to the United States, and declaring the Floridas not to be the property of France, July 19, 1803.

Q. Protest of the Spanish commissioner at New Orleans against the pretensions of the United States as to limits, March 31, 1804.

R. Reply of the French Colonial Prefect, April 2, 1804.

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A.

*From Don Angel Calderon de la Barca, Envoy Extraordinary and Minister Plenipotentiary of Spain in the United States of America.*

WASHINGTON, March 10, 1836.

SIR: His excellency the first Secretary of State and Affairs of her Catholic Majesty, my august sovereign, has addressed the following communication, under date of the 21st of November last, to the legation under my charge:

“A citizen of that republic and member of its Congress, named Mr. White, has solicited from the queen governess, in virtue of powers conferred upon him by various Spanish inhabitants of the Floridas, legalized copies of certain public documents now in the archives of this Department relating to the cession of the Floridas, to be used in defending the rights of the said persons to the possession of lands and property, in a suit which is to be decided in January next in the Supreme Court of those States.

“Her Majesty having been informed on the subject, has been pleased to accede to this request; in consequence of which, and by royal order, I transmit to you the accompanying copies of the said papers, that you may deliver them to Mr. White, to be used by him as he may judge proper for the benefit of his clients.”

I have therefore the honor to communicate to you the above, and to send you the documents referred to. Be pleased, sir, to acknowledge the receipt of them, and to accept the assurances of my distinguished consideration.

A. CALDERON DE LA BARCA.

TO JOSEPH M. WHITE.

Translated from the original in the Spanish language, by me, Robert Greenhow, translator of foreign languages to the Department of State of the United States.

Washington, March 22, 1836.

## B.

*Preliminary Convention between the Kings of France and Spain, for the cession of Louisiana to the latter.*

Translated from a certified copy of the original in the French language, deposited in the archives of the Department of State at Madrid.

The most Christian King being firmly resolved to strengthen and perpetuate the bonds of tender amity which unite him to his cousin the Catholic King, proposes in consequence to act with his Catholic Majesty at all times and in all circumstances, in a perfect uniformity of principles, for the common glory of their house and the reciprocal interests of their kingdoms.

With this view, his most Christian Majesty, being fully sensible of the sacrifices made by the Catholic King, in generously uniting with him for the restoration of peace, desires, on this occasion, to give him a proof of the strong interest which he takes in satisfying him and affording advantages to his crown.

The most Christian King has accordingly authorized his minister, the Duke de Choiseul, to deliver to the Marquis de Grimaldi, the ambassador of the Catholic King, in the most authentic form, an act, whereby his most Christian Majesty cedes in entire possession, purely and simply, without exception, to his Catholic Majesty and his successors, in perpetuity, all the country known under the name of Louisiana, as well as New Orleans and the island in which that place stands.

But as the Marquis de Grimaldi is not informed with sufficient precision of the intentions of his Catholic Majesty, he has thought proper only to accept the said cession conditionally, and *sub spe rati*, [under expectation that it will be ratified,] until he receives the orders expected by him from the King his master, which, if conformable with the desires of his most Christian Majesty, as he hopes they will be, will be followed by the authentic act of cession of the said country; stipulating also the measures and the time, to be fixed by common accord, for the evacuation of Louisiana and New Orleans, by the subjects of his most Christian Majesty, and for the possession of the same by those of his Catholic Majesty.

In testimony whereof, we, the respective ministers, have signed the present preliminary convention, and have affixed to it the seals of our arms.

Done at Fontainebleau, on the third of November, one thousand seven hundred and sixty-two.

The DUKE DE CHOISEUL,  
The MARQUIS DE GRIMALDI.

A true copy from the original.

The DUKE DE CHOISEUL.

To the copy from which the above translation was made, are appended the certificates of Don Ceferino Cevallos, archivist of the Department of State of Spain, to its exact conformity with the original; and of Don Angel Calderon de la Barca, envoy extraordinary and minister plenipotentiary of Spain in the United States, of its having been received by

him from the first Secretary of State of Spain, and delivered to the honorable J. M. White, of Florida.

The translation was faithfully made by Robert Greenhow, translator of foreign languages to the Department of State of the United States.

Washington, March 24, 1836.

#### D.

#### *Definitive act of cession of Louisiana by the King of France to the King of Spain.*

Translated by Robert Greenhow, translator of foreign languages to the Department of State, from an authentic copy of the original in the Department of State of Spain, to which copy are appended the certificate of Don Ceperino Cevallos, archivist of the Department of State of Spain, that it is a true copy from the original, and the certificate of Don A. Calderon de la Barca, envoy extraordinary and minister plenipotentiary of Spain in the United States, that it was received by him officially from the first Secretary of State of Spain, and delivered to the Hon. J. M. White, of Florida.

Louis, by the grace of God, King of France and Navarre, to all to whom these presents shall come, greeting: Whereas our very dear and well-beloved cousin the Duke de Choiseul, peer of our realm, knight of our orders and of the golden fleece, lieutenant general of our armies, governor of Touraine, colonel general of the Swiss and Grisons, grandmaster and superintendent general of the posts and relays of France, our minister and secretary of state for the departments of war and marine and the correspondence with the courts of Madrid and Lisbon, did sign, in our name, with the Marquis de Grimaldi, knight of our orders, gentleman of the chamber, in exercise of our very dear and well-beloved brother and cousin the Catholic King, and his ambassador extraordinary near us, a preliminary convention, whereby, in order to give to our said brother and cousin a new testimonial of our tender friendship, of the strong interest which we take in satisfying him and promoting the welfare of his crown, and of our sincere desire to strengthen and render indissoluble the bonds which unite the French and Spanish nations, we ceded to him entire and perpetual possession of all the country known under the name of Louisiana, together with New Orleans and the island in which that city stands, which convention had only been signed conditionally and *sub spe rati* by the Marquis de Grimaldi: and whereas our said brother and cousin the Catholic King, animated by the same sentiments towards us which we have evinced on this occasion, has agreed to the said cession, and ratified the conditional acceptance made by his said ambassador extraordinary, which convention and ratification are here inserted word for word as follows:

Don Carlos, by the grace of God, King of Castile, of Leon, of Arragon, of the Two Sicilies, of Jerusalem, of Navarre, of Granada, of Toledo, of Valencia, of Galicia, of Majorca, of Seville, of Sardinia, of Cordova, of Corsica, of Murcia, of Jaen, of the Algarves, of Algesiras, of Gibraltar, of the Canary islands, of the East and West Indies and the islands and main land of the ocean, archduke of Austria, duke of Burgundy, of Brabant and Milan, count of Hapsburg, of Flanders, of Tyrol, and of Barcelona, lord of Biscay and of Molina, &c.

Whereas, on the third day of the present month, the preliminaries of a peace were signed between the crowns of Spain and France on the one part, and those of England and Portugal on the other, and the most Christian King my very dear and well-beloved cousin, purely from the nobleness of his heart, and the love and friendship in which we live, thought proper to dispose that the Marquis de Grimaldi, my ambassador extraordinary near his royal person, and the Duke de Choiseul, his minister of state, should on the same day sign a convention by which the crown of France ceded immediately to that of Spain the country known by the name of Louisiana, together with New Orleans and the island in which that city stands, and by which my said ambassador agrees to the cession only conditionally *sub spe rati*, as he is not furnished with orders to execute it absolutely; the tenor of which convention is the following:

The most Christian King, being firmly resolved to strengthen and perpetuate the bonds of tender amity which unite him to his cousin the Catholic King, proposes in consequence to act with his Catholic Majesty at all times and in all circumstances, in a perfect uniformity of principle, for the common glory of their house and the reciprocal interests of their kingdoms.

With this view, his most Christian Majesty being fully sensible of the sacrifices made by the Catholic King in generously uniting with him for the restoration of peace, desires, on this occasion, to give him a proof of the strong interest which he takes in satisfying him and affording advantages to his crown.

The most Christian King has accordingly authorized his minister, the Duke de Choiseul, to deliver to the Marquis de Grimaldi, the ambassador of the Catholic King, in the most authentic form, an act whereby his most Christian Majesty cedes in entire possession, purely and simply, without exception, to his Catholic Majesty and his successors, in perpetuity, all the country known under the name of Louisiana, as well as New Orleans and the island in which that place stands.

But, as the Marquis de Grimaldi is not informed with sufficient precision of the intentions of his Catholic Majesty, he has thought proper only to accept the said cession conditionally and *sub spe rati*, until he receives the orders expected by him from the king his master, which, if conformable with the desires of his most Christian Majesty, as he hopes they will be, will be followed by the authentic act of cession of the said country, stipulating also the measures and the time, to be fixed by common accord, for the evacuation of Louisiana and New Orleans by the subjects of his most Christian Majesty, and for the possession of the same by those of his Catholic Majesty.

In testimony whereof, we, the respective ministers, have signed the present preliminary convention, and have affixed to it the seals of our arms.

Done at Fontainebleau on the third of November, one thousand seven hundred and sixty-two.

THE DUKE DE CHOISEUL,  
THE MARQUIS DE GRIMALDI.

Therefore, in order to establish between the Spanish and French nations the same spirit of union and friendship which should subsist as they do in the hearts of their sovereigns, I, therefore, take pleasure in accepting, as I do accept, in proper form, the said act of cession, promising also to accept those which may hereafter be judged necessary for carrying it into entire and formal execution, and authorizing the said Marquis de Grimaldi to treat, conclude, and sign them.

In testimony whereof, I have ordered these presents to be drawn up, signed by my hand, sealed with my privy seal, and countersigned by my Councillor of State and chief Secretary of State and War. Given at San Lorenzo el Real on the thirteenth of November, seventeen hundred and sixty-two.

I, THE KING.

Countersigned: RICARDO WALL.

The said acceptance and ratification having been approved by us, and regarded as a strong evidence of the friendship and good will of our very dear and well-beloved cousin the Catholic King, we renew and confirm by these presents, the cession of Louisiana and of New Orleans, with the island in which that city stands, promising immediately to conclude with our said brother and cousin, a convention in which the measures to be taken in concert for executing and consummating this cession to our mutual satisfaction will be fixed by common accord. In faith whereof, we have caused these presents to be drawn up, which we have signed with our hands, and have affixed to them our secret seal.

Given at Versailles on the twenty-third day of the month of November, in the year of grace one thousand seven hundred and sixty-two, and of our reign the forty-eighth.

LOUIS.

By the King :

CHOISEUL, DUKE DE PRASLIN.

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E and F.

*The seventh article of the definitive treaty of peace and amity between the Kings of France, Spain, and England, signed at Paris on the 10th of February, 1763 ; which is word for word the same with the sixth article of the preliminary convention between the same Powers, signed at Fontainebleau on the 3d of November, 1762.*

Translated from authentic copies of both the articles in the French language, which have been found to be identical, by Robert Greenhow, translator of foreign languages to the Department of State of the United States ; to which copies are appended the certificates of Don Ceferino Cevallos, keeper of the archives of the department of state at Madrid, that they are exact transcripts from the originals, and of Don A. Calderon de la Barca, envoy extraordinary and minister plenipotentiary of Spain, that they were transmitted to him by the Secretary of State of Spain, and delivered to the honorable J. M. White, of Florida.

ARTICLE 7 or 6. In order to re-establish peace on solid and durable foundations, and to remove forever all motives for dispute respecting the limits of the French and British territories on the American continent, it

has been agreed that the limits between the states of his most Christian Majesty and those of his Britannic Majesty in that part of the world, shall hereafter be irrevocably fixed by a line drawn along the middle of the river Mississippi, from its source to the river Iberville; and thence, by another line through the middle of that river, and of the lakes Maurepas and Pontchartrain, to the sea; and for this purpose, the most Christian King cedes to his Britannic Majesty, and guaranties to him, the entire possession of the river and port of Mobile, and of all that he possesses or should have possessed on the left bank of the river Mississippi, with the exception of New Orleans, and of the island whereon that city stands, which are to remain subject to France; it being understood that the navigation of the Mississippi river is to be equally free to the subjects of Great Britain and of France, in its whole breadth and extent, from its source to the sea, and particularly that part between the said island of New Orleans and the right bank of the river, as well as the entrance and departure by its mouth. It is moreover stipulated, that vessels belonging to the subjects of either nation are not to be detained, searched, nor obliged to pay any duty whatsoever. The stipulations contained in the fourth article, in favor of the inhabitants of Canada, are to be of equal effect with regard to the inhabitants of the countries ceded by this article.

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G.

*Note from the French Minister to the Spanish Ambassador; translated from a copy certified like that from which the preceding translation was made.*

VERSAILLES, April 21, 1764..

TO THE CONDE DE FUENTES:

SIR: The King has caused the necessary orders to be issued for the surrender of the country of Louisiana, with New Orleans and the island in which the said city stands, into the hands of the commissioner whom his Catholic Majesty may appoint to receive them. I have sent the same papers to the Marquis D'Ossun, who will have the honor to present them to his Catholic Majesty. Your Excellency will see that the King's orders are entirely conformable with the acts signed in 1762, and that his Majesty has caused some articles to be inserted, equally conducive to the tranquillity of the country after it is in the possession of his Catholic Majesty, and to the happiness of its inhabitants.

I have the honor to be,

With great esteem,

Your Excellency's

Most humble and obedient servant,

THE DUKE DE CHOISEUL.

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## H.

*Order from the King of France to the Governor of Louisiana to deliver up that province to the Spaniards.*

Translated by Robert Greenhow, translator of foreign languages to the Department of State of the United States, from an authentic copy of the original in the archives of the Department of State of Madrid; to which copy are appended the certificates of Don Ceferino Cevallos, keeper of the archives of the department of state at Madrid, that it is a faithful transcript from the original; and of Don A. Calderon de la Barca, envoy extraordinary and minister plenipotentiary of Spain in the United States, that it was transmitted to him officially by the Secretary of State of Spain, to be delivered to the honorable J. M. White, of Florida.

**MONSIEUR DABADIE:** By a convention made at Fontainebleau on the 3d of November, 1762, I ceded, of my own free will, to my very dear and well-beloved cousin the King of Spain, and to his successors and heirs, in perpetuity, purely, simply, and without exception, all the country known by the name of Louisiana, together with New Orleans and the island in which that city stands; and by another act, made at the Escorial, and signed by the King of Spain on the 13th of November of the same year, his Catholic Majesty accepted the cession of the said country of Louisiana, and of the city and island of New Orleans, conformably with the copies of the said acts which you will receive with this. I now write to inform you of my intention, which is, that as soon as this letter and the annexed copies reach you, whether through the officers of his Catholic Majesty or directly by the French ships charged with their delivery, you are to surrender into the hands of the governor or officer appointed for the purpose, by the King of Spain, the said country and colony of Louisiana and the posts dependent on it, together with the city and island of New Orleans, such as they may be on the day of the said surrender; as it is my wish that they should belong in future to his Catholic Majesty, to be governed and administered by his governors and officers as his property, entirely and without exception.

I therefore order you, as soon as the governor and troops of his Catholic Majesty arrive in the said countries and colony, to put them in possession, and to withdraw all the officers, soldiers, and persons employed in my service who may be there yet in garrison, sending back to France or to my other American colonies, those who may not choose to remain under the Spanish dominion. It is, moreover, my pleasure, that, after the evacuation of the said posts and city of New Orleans, you should collect all the papers and documents relative to the finances and administration of the colony of Louisiana, and bring them to France for the regulation of the accounts. It is nevertheless my wish that you should deliver to the said governor or officer appointed for the purpose, all papers or documents which may specially concern the government of the colony, either as relating to the territory and its limits, or to the savages, and to the different posts, after having taken the proper receipts for your discharge; and that you should give to the said governor all the information in your power, to enable him to govern the said colony to the satisfaction of his Catholic Majesty. And in order that the said cession may be conducted to the mutual satisfaction of both nations, it is my will that an inventory be made of all the artillery, arms, ammunition, effects, stores, hospitals, ships, &c., belonging to me in the said colony, which



inventory is to be signed in duplicate by you, and by the commissioner of his Catholic Majesty. Finally, it is my will that, after having placed the Spanish commissioner in possession of the public buildings, a statement be made of the value of the said effects which may remain in the country, in order that the amount resulting from the said valuation may be paid by his Catholic Majesty. At the same time, I hope, for the advantage and tranquillity of the inhabitants of the colony of Louisiana, and I promise myself, from the friendship and affection of his Catholic Majesty, that he will give orders to his governor and to all other officers employed in his service in the colony and the city of New Orleans, that the ecclesiastics and the religious houses providing for the spiritual wants of the people and for the supply of the missions, may continue their functions, and enjoy the rights, privileges, and exemptions allowed to them by the titles of their establishments; that the ordinary judges and the superior council may continue to dispense justice according to the laws, forms, and usages of the colony; that the inhabitants may be kept and maintained in their possessions; that they may be confirmed in the ownership of their property, according to the grants which may have been made to them by the governors and *ordonnateurs* of the colony, and that the said grants be considered, reputed, and confirmed by his Catholic Majesty, although they might not have been confirmed by me. I hope, moreover, that his Majesty will be pleased to give to his new subjects of Louisiana, the same marks of protection and kindness which they have received under my authority, and of which the misfortunes of war alone have prevented them from experiencing the most advantageous effects. I order you to have this (my letter) registered by the superior council of New Orleans, so that the different estates of the colony may be informed of its contents, and may have recourse to it when necessary. And these being the sole objects of the present letter, I pray God, M. Dabadie, that he will keep you in his holy charge.

Given at Versailles on the 21st of April, 1764.

LOUIS.

Countersigned: The DUKE DE CHOISEUL.

I.

I, Don Ceferino Cevallos, commander of the royal American order of Isabel the Catholic, one of the council of state of her Majesty, her secretary and official archivist of the department of state, do certify that, among the documents in the archives under my care, is the treaty of friendship, limits, and navigation, concluded between the King our lord and the United States of America, signed at San Lorenzo el Real on the 27th of October, 1795, and ratified at Aranjuez on the 25th of April, 1796; of which treaty the second article is as follows:

"ARTICLE 2. In order to avoid all dispute respecting the limits between the territories of the two high contracting parties, it has been agreed and declared in the present article, that the southern boundary of the United States, which divides their territory from the Spanish colonies of West Florida and East Florida, shall be a line beginning at the Mis-

mississippi, at the northernmost part of the thirty-first degree of latitude north of the equator, and thence proceeding directly to the east, to the middle of the river Appalachicola, or Chattahoochie; thence, along the middle of that river to its juncture with Flint river; thence, in a straight line to the source of the river St. Mary; and thence, passing down through the middle of that river to the Atlantic ocean. And the two Powers have agreed, that if there should be any troops, garrisons, or establishments belonging to either of the two parties in the territory of the other, according to the limits above mentioned, they shall retire from the said territory within six months after the ratification of this treaty, or earlier if possible, and they shall have permission to carry with them the goods and effects which they may possess."

In faith of which, by order of his excellency the first secretary of state, I have given the present at Madrid, on the 10th of November, 1835.

CEFERINO DE CEVALLOS.

Follows the certificate of Don Angel Calderon de la Barca, envoy extraordinary and minister plenipotentiary of Spain in the United States, that the said copy was received by him under the seal of the Secretary of State of Spain, and delivered to the honorable J. M. White, of Florida.

Translated from the original Spanish, by Robert Greenhow, translator of foreign languages to the Department of State of the United States.

#### K.

*Preliminary and secret Treaty between France and Spain, of October 1st, 1800, for the enlargement of the territories of the Duke of Parma, and the restoration of Louisiana to France.*

Translated by Robert Greenhow, translator of foreign languages to the Department of State of the United States, from an authentic copy of the original, to which were annexed the certificates of Don Ceferino Cevallos, keeper of the archives of the department of state at Madrid, that it was faithfully transcribed from the original in his care, and of Don Angel Calderon de la Barca, envoy extraordinary and minister plenipotentiary of Spain in the United States of America, that it was received by him from the Secretary of State of Spain, and delivered to the Hon. J. M. White, of Florida.

Bonaparte, First Consul, in the name of the French people :

The Consuls of the republic having seen and examined the preliminary and secret treaty concluded, determined, and signed on the ninth Vendémiaire, of the year nine, [first of October, eighteen hundred,] by General Alexandre Berthier, minister extraordinary of the French republic, in virtue of full powers confided in him to that effect, with Don Louis d'Orquijo, knight of the order of Charles the Third and of that of Saint John of Jerusalem, first Secretary of State to his Majesty the King of Spain, who was likewise furnished with full powers, of which treaty and powers the following is the tenor, to wit :

#### [TREATY.]

Preliminary and secret treaty between the French republic and his Catholic Majesty the King of Spain, respecting the enlargement of the dominions of his Royal Highness the infant Duke of Parma in Italy, and the restoration of Louisiana.

His Catholic Majesty having always manifested much solicitude to procure an enlargement of the territories of his Royal Highness the Duke of Parma, so as to place his states on a footing conformable with his dignity; and the French republic, on its part, having long since signified to his Majesty the King of Spain, the desire to be again put in possession of the colony of Louisina; the two governments having communicated to each other their views with regard to these objects of common interest, and circumstances permitting them to enter into engagements calculated to ensure, as far as relates to themselves, this mutual satisfaction; they have authorized to that effect, namely, the French republic, citizen Alexandre Berthier, general-in-chief, and his Catholic Majesty, Don Mariano Louis d'Orquijo, knight of the order of Charles the Third and of that of Saint John of Jerusalem, his Councillor of State, his ambassador extraordinary and plenipotentiary near the Batavian republic, and his first Secretary of State *ad interim*; who, having exchanged their powers, have agreed upon the following articles, with the reserve that they are to be ratified:

ARTICLE 1. The French republic engages to procure for his Royal Highness the infant Duke of Parma, an enlargement of his territories in Italy, sufficient to give to his states a population of from a million to twelve hundred thousand inhabitants, with the title of King, and all the rights, prerogatives, and pre-eminences attached to the royal dignity; and the French republic engages to obtain to that effect, the assent of his Majesty the Emperor and King, and of the other states interested, so that his Royal Highness the Duke of Parma may be placed in incontestable possession of the said territories, on the conclusion of the peace between the French republic and his Imperial Majesty.

ARTICLE 2. The enlargement of the dominions of his Royal Highness the Duke of Parma, may consist of Tuscany, in case the negotiations now in progress between the French Government and his Imperial Majesty should place that country at the disposition of the former government; it might also consist of the three Roman legations, or of any other provinces of continental Italy forming a compact state.

ARTICLE 3. His Catholic Majesty promises and engages, on his part, six months after the full and entire execution of the conditions and stipulations above mentioned, relative to his royal highness the Duke of Parma, to restore to the French republic the colony and province of Louisiana, in the same extent which it now has under the dominion of Spain and of other states.

ARTICLE 4. His Catholic Majesty will give the necessary orders for the occupation of Louisiana by France, as soon as the states composing the enlargement of the dominions of the Duke of Parma are placed in the power of his royal highness. The French republic may, however, defer taking possession of it, according to its own convenience. When the occupation is to be effected, the states directly or indirectly concerned will agree upon the ulterior conditions which may be required for their common advantage, and for that of the respective inhabitants.

ARTICLE 5. His Catholic Majesty engages to deliver to the French republic, in the ports of Spain in Europe, one month after the execution of the stipulation relative to the Duke of Parma, six ships of war, in good

condition, pierced for seventy-four guns each, armed, equipped, and ready to receive French crews and provisions.

ARTICLE 6. As the stipulations of the present treaty have no injurious tendency, and leave the rights of all undisturbed, it cannot be expected that they should give umbrage to any Power. Nevertheless, should it prove otherwise, and should the two states be attacked or menaced in consequence of their execution, the two Powers engage to make common cause, in order to repel the aggression ; as, also, for the purpose of taking conciliatory measures for the preservation of peace with all their neighbors.

ARTICLE 7. The engagements contained in the present treaty are in no point at variance with those set forth in the treaty of alliance signed at Saint Ildefonso on the 2d of Fructidor, year the fourth, (18th August 1796 ; ) on the contrary, they unite the interests of the two Powers by new links, and they strengthen the guarantees stipulated in the treaty of alliance, with regard to all cases to which they should apply.

ARTICLE 8. The ratifications of the present preliminary articles shall be drawn up and exchanged within one month from the date of the present treaty, or earlier if possible.

In faith whereof, we, the undersigned ministers plenipotentiary of the French republic and of his Catholic Majesty, in virtue of our respective powers, have signed the present preliminary articles, and have affixed to them the seals of our arms.

Done at Saint Ildefonso on the ninth of Vendémiaire, in the ninth year of the French republic, ( the 1st of October eighteen hundred.

ALEXANDRE BERTHIER,  
MARIANO LOUIS DE ORQUIJO.

[POWER.]

In the name of the French people, Bonaparte, First Consul of the republic, upon the report of the Minister of Foreign Relations, decrees as follows :

General Alexandre Berthier is authorized to conclude and sign a convention between the French republic and his Catholic Majesty the king of Spain, relative to an increase of the states of the Duke of Parma in Italy ; he is, for that purpose, invested with full powers to treat with the person whom his Majesty the king of Spain may charge to negotiate with him upon all points relative to that object.

The Minister of Foreign Relations is charged with the execution of the present decree.

Done at Paris on the twenty-seventh of Thermidor, in the eighth year of the French Republic..

BONAPARTE.

THE MINISTER OF FOREIGN RELATIONS.

CHARLES MAURICE TALLEYRAND.

By the First Consul :

HUGUES MARET, *Secretary of State.*

[POWER.]

Don Carlos, by the grace of God, king of Castile, of Leon, of Arragon of the Two Sicilies, of Jerusalem, of Navarre, of Granada, of Toledo, of

Valencia, of Galicia, of Majorca, of Seville, of Sardinia, of Cordova, of Corsica, of Murcia, of Jean, of Algarves, of Algesiras, of Gibraltar, of the Canary islands, of the East and West Indies, the islands and main land of the ocean; Arch Duke of Austria; Duke of Burgundy, of Brabant, and of Milan; Count of Hapsburg, of Flanders, of Tyrol, and of Barcelona; Lord of Biscay, and of Molina, &c. &c. &c. having communicated to the First Consul of the French republic my anxious wishes to procure for my beloved brother and cousin, the infant Duke of Parma, some augmentation of his estates in Italy, in order to indemnify him for the repeated losses which he has naturally suffered, in consequence of existing circumstances, the said First Consul has given me to understand that this subject might be discussed and settled between himself and my person; whereunto he declared his own willingness, as warranted by the relations of amity and alliance which unite us. I have therefore resolved to appoint, for the execution of this important business, a person duly qualified for entering on, prosecuting, and concluding the affair, until it be ready for my ratification; and being well satisfied with you, Don Mariano Louis de Orquijo, knight pensioner of the royal and distinguished Spanish order of Charles the Third, and of that of Malta, of my council of state, my ambassador extraordinary and plenipotentiary near the Batavian republic, and my first Secretary of State *ad interim*, on account of your capacity and tried zeal in my service, I have determined to confer upon you full power, in the most ample form, to treat with the person or persons authorized by the French Government, respecting the increase and enlargement of the estates of my brother and cousin the infant Duke of Parma, and all points connected with that subject, and to regulate, adjust, and sign all articles, agreements, and conventions which may conduce to the completion of the said affair, reserving to myself, however, the right of ratifying them.

In faith whereof, I have caused the present to be issued, signed by my hand, sealed with my secret seal, and countersigned by my Secretary of State, and of the universal department of grace and justice of Spain and the Indies, at Saint Ildefonso, on the 1st of October, eighteen hundred.

THE KING.

Countersigned: JOSE ANTONIO CAVALLERO.

[RATIFICATION.]

In virtue of the 49th article of the constitution, I approve the foregoing treaty, in all and each of its articles therein contained, declaring that it is accepted, ratified, and confirmed, and promising that it shall be inviolably observed.

In faith whereof these presents have been issued, signed, countersigned, and sealed with the great seal of the republic, at Paris, on the twenty-seventh of Vendémiaire, in the ninth year of the French republic, (19th of October, eighteen hundred.)

BONAPARTE.

By the First Consul:

HUGUES MARET, *Secretary of State.*  
CHARLES MAURICE TALLEYRAND,  
*Minister of Foreign Relations.*

*Treaty of March 21, 1801, between the French Republic and Spain.*

Translated from a certified copy of the original, in French and Spanish, deposited in the archives of the Department of State, at Madrid.

The First Consul of the French republic, and his Catholic Majesty, desiring to establish definitively what states are to be given as equivalents for those of Parma, to the son of the present duke, the infant Don Ferdinand, brother of the Queen of Spain, have agreed upon the following articles, and have authorized to form this treaty, to wit: the First Consul, Citizen Lucien Bonaparte, the present ambassador of the republic, near his Catholic Majesty, and his Catholic Majesty the Prince of the Peace, who have agreed upon the following articles:

ARTICLE 1. The reigning Duke of Parma renounces, for himself and his heirs, for ever, the Duchy of Parma, with all its dependencies, in favor of the French republic; and his Catholic Majesty guarantees this renunciation.

ART. 2. The Grand Duchy of Tuscany, which has been likewise renounced by the Grand Duke and ceded to the French republic, under the guarantee of the Emperor of Germany, shall be given to the son of the Duke of Parma, in compensation for his states which have been ceded by his father, the Infant, and in virtue of another treaty previously made between his Catholic Majesty and the First Consul of the French republic.

ART. 3. The Prince of Parma will proceed to Florence, where he will be recognised as sovereign of all the states belonging to the Grand Duchy, and he will receive, in the most solemn form, from the hands of the constituted authorities of the country, the keys and the oath of vassalage due to him as the sovereign. The First Consul will aid, with all his forces, in the peaceful accomplishment of this convention.

ART. 4. The Prince of Parma shall be recognised as King of Tuscany, with all the honors due to his rank; and the First Consul will cause him to be acknowledged and treated as such King by all the other Powers whose recognitions should precede the act of possession.

ART. 5. The *dependent* portion of the isle of Elba belonging to Tuscany, shall remain in the power of the French republic; and the First Consul shall give as an equivalent to the King of Tuscany the country of Piombino, which belonged to the King of Naples.

ART. 6. As this treaty has its origin in that concluded between the First Consul and his Catholic Majesty, by which the King cedes to France the possession of Louisiana, the contracting parties agree to carry into effect the articles of that treaty, and that, while the difficulties with regard to them are in process of arrangement, the present treaty shall not destroy the rights of either party.

ART. 7. And as the new House which is to be established in Tuscany, is of the Spanish family, those states shall always be the property of Spain, and an infant of that family shall reign there in case of a failure of the succession of the King now placed on the throne, or of his children, if he should have any, in which event the children of the reigning house of Spain shall succeed.

ART 8. The First Consul and his Catholic Majesty, in consideration of the renunciation of the reigning Duke of Parma in favor of his son, will determine upon some honorable indemnification for him, either in possessions or in an annuity.

ART. 9. The present treaty shall be ratified, and the ratifications shall be exchanged within three weeks, otherwise it will, after that period, be of no value.

Done at Aranjuez on this thirtieth of Ventose, in the ninth year of the republic, (March 21, 1801.)

LUCIEN BONAPARTE,  
*The Prince of the Peace.*

To the copy from which the above translation was made are appended the certificates of Don Ceferino Cevallos, archivist of the Department of State of Spain, to its exact conformity with the original, and of Don Angel Calderon de la Barca, envoy extraordinary and minister plenipotentiary of Spain, in Washington, of its having been received by him from the said Cevallos and delivered to the honorable J. M. White, of Florida. Faithfully translated by me, Robert Greenhow, translator of foreign languages to the Department of State of the United States.

WASHINGTON, March 23, 1836.

M.

*Translation of a letter from the Secretary of State of Spain to Charles Pinckney, Minister of the United States to Madrid, refusing to sell the Floridas to the United States.*

ARANJUEZ, April 7, 1802.

SIR: I have communicated to his Majesty the proposition which your excellency made in the name of your Government, in your official letter of the 24th of March last, respecting the cession of the Two Floridas to the United States of America, by sale. His Majesty having been made well acquainted with every thing advanced by your excellency in support of that idea, has commanded me to inform you, in reply, that his Majesty rejoices in every opportunity of strengthening the bonds of friendship with the United States of America, but that the subject in question, being one of the utmost weight and importance, merits great circumspection before it can be determined.

With regard to the request made by you in the same official letter, that a mercantile agent of the United States should be permitted to reside at New Orleans, his Majesty does not accede to it, as it is prohibited by our laws of the Indies; and from the just consideration that, by making one example of that kind, the door would be opened for like demands on the part of other nations.

I embrace this opportunity to assure you of my distinguished consideration, &c.

PEDRO CEVALLOS.

TO CHARLES PINCKNEY, Esq.,  
*Envoy Extraordinary and Minister Plenipotentiary  
of the United States of America.*

The above was translated by Robert Greenhow, translator of foreign languages to the Department of State of the United States, from a copy in Spanish of the original, existing in the archives of the Department of State at Madrid; which is authenticated by the certificate of Don Celerino de Cevallos, the keeper of those archives, and by that of Don A. Calderon de la Barca, envoy extraordinary and minister plenipotentiary of Spain in the United States.

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N.

*From Charles Pinckney, Envoy Extraordinary and Minister Plenipotentiary of the United States of America at Madrid, to his Excellency Don Pedro Cevallos, Secretary of State of Spain.*

ARANJUEZ, February 17, 1803.

I had the honor, last evening, to state to your excellency the nature of the information I had received from our Government, and their instructions respecting the conduct of the Intendant of New Orleans, in prohibiting the deposit of American effects, stipulated by the treaty of 1795. I trust, from the statements then made, your excellency was fully impressed with the delicacy and pressing importance of the subject, and the sensibility and anxiety of our Government and citizens to have this order of the Intendant immediately revoked, under the conviction that it was issued without the knowledge of his Majesty or his Government, on whose honorable and exact compliance with treaties they had the most perfect reliance. It was with particular pleasure, therefore, I received from your excellency the information that this order of the Intendant had been issued by him, without the knowledge of his Majesty or his Government, and that orders should be immediately sent to New Orleans to the Intendant and proper authorities there to regulate the commerce and intercourse of the citizens of the United States in that port by the treaty of 1795, and to place the same on the footing it had been from the foundation of that treaty to the issuing of the Intendant's order. Your excellency was pleased to add that you would transmit a duplicate of this order to the minister plenipotentiary of his Majesty in the United States, to be shown to their Government, and forwarded by your minister to New Orleans. I will, at the same time, thank your excellency to be so obliging as to favor me with a copy of the order, that I might also be enabled to transmit it by some safe and speedy opportunity. I had the honor, yesterday, to state to your excellency the anxiety of our Government on the subject of possessing the territory on the east side of the Mississippi. The importance of this acquisition to them for the purposes of securing to the citizens of one-half of the United States the certain means of exporting their products, has been so fully explained to your excellency in my letter written in March last, and in subsequent conversations, that I need not, at this time, go again into the subject. Referring your excellency to them, I have now to say that the Government of the United States, from many circumstances, as well as from the conduct of the Intendant, feel themselves every day more convinced of the necessity of their having a permanent establishment on the Mississippi, convenient for the purposes of navigation, and belonging solely to them.



To obtain this, they have authorized me to say that, should his Majesty be now inclined to sell to the United States his possessions on the east side of the river Mississippi, or between that and the river Mobile, agreeably to the propositions enclosed, the United States will make to his Majesty, and I do now in their name make, the important offer of guarantying to him and his successors his dominions beyond the Mississippi. It is with his Majesty and his ministers to consider, for the reasons I had the honor to state in our conversation of the last evening, the immense importance of this offer to the Spanish crown, and to reflect how far it may be in the power of any other nation to make an offer so truly valuable and precious as this is to Spain—one that the United States would never have made, but from a conviction of the indispensable necessity of their possessing a suitable establishment on this river, and which this territory can alone furnish. The unshaken, and, indeed, unimpeached honor of the United States, in the exact performance of treaties and guarantees, and in all their public contracts and transactions, is so well known as certainly to convince his Majesty and his ministers that any stipulations on their part will be faithfully executed. Referring your excellency to our conversation the last evening, in which I opened to you many of the reasons for making this offer, I wish your excellency to submit them to his Majesty, and in a short time I will have the honor to see your excellency again on my return from Madrid, for which place, for the present, I will thank your excellency to direct your letters for me.

I have the honor to be, &c.

CHARLES PINCKNEY.

O.

*Propositions made to Spain on the 17th of February, 1803, by Charles Pinckney, on the part of the United States.*

1. The United States will purchase the possessions of his Catholic Majesty, on the east side of the river Mississippi, for which they will pay — dollars.
2. They will purchase these possessions, for which they will pay — dollars; and, moreover, guaranty to his Majesty and his successors his possessions beyond the river Mississippi.
3. They will purchase the country between the rivers Mississippi and Mobile, belonging to his Majesty, and, also, places of deposite near the mouths of the other rivers passing from their territory through either of the Floridas, for which they will pay — dollars, or enter into other obligations, which may be thought equivalent to the acquirement.
4. If none of these propositions can be acceded to, they will then purchase certain tracts of country on the banks of the Mississippi and the other rivers passing from their territory into that of his Catholic Majesty, for which they will pay — dollars, or enter into other obligations which may be thought equivalent to the acquirement.

P.

*Translation of a letter from the Secretary of State of Spain to Charles Pinckney, Minister of the United States of America at Madrid.*

PALACE, July 19, 1803.

*To the Minister of the United States of America:*

SIR: His Majesty the King having given orders to his minister near the United States of America to make known to that Government the absolute nullity of the proceedings of France in disposing of Louisiana, which she had formally and positively engaged not to sell, I now communicate the same to you, in order that you may submit it to your Government, which will thus receive it by distinct channels. At the same time, I must inform you, in reply to the assurance given me by you at our last conference that France had also ceded West Florida, that the said province never has at any time or by any title belonged to the French.

I am, &c.,

PEDRO CEVALLOS.

Translated by Robert Greenhow, translator of foreign languages to the Department of State of the United States, from a copy of the original in Spanish, which is deposited in the archives of the Department of State of Madrid; which copy was authenticated by the certificates of Don Ceferino Cevallos, keeper of those archives, and of Don A. Calderon de la Barca, minister of Spain in the United States.

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Q.

*Protest of the Marquis de Casa Calvo, commissioner of Spain, respecting the pretensions of the United States, addressed to M. Laussat, the Colonial Prefect of Louisiana, with the reply of the latter.*

Translated by Robert Greenhow, translator of foreign languages to the Department of State of the United States, from copies taken from originals in the archives of the Department of State of Madrid; which copies were authenticated by the certificates of Don Ceferino de Cevallos, keeper of the said archives, and of Don A. Calderon de la Barca, minister of Spain in the United States of America.

NEW ORLEANS, March 31, 1804.

*To the Colonial Prefect and Commissioner of the French Republic:*

I should be guilty of a great dereliction from my duty, and from the necessities imposed by the confidence of the king, my master, when he gave me my commission, if, while you are preparing for your voyage, and terminating the operations in which I was also destined to bear a part, I should neglect to communicate to you, in the name of the king, that Spain cannot, with indifference, regard the exorbitant propositions which the United States are beginning to set forth, with regard to the limits both to the east and the west of the province of Louisiana. The limits on the east are established by solemn treaties, and for that very reason are absolutely unquestionable: it however appears that France

herself is supporting the establishment of those on the west, at the mouth of the river Bravo. I cannot, therefore, refrain from entering my most solemn protest against any operations or intentions of establishing the limits beyond the river Sabine, until his Majesty shall have resolved upon some measure with regard to the subject; as such a proceeding would be prejudicial to the interests of Spain, and would tend to dismember a considerable portion of the internal provinces of Mexico, to the great damage of the dominions of his Majesty and of his subjects.

And in order that this may forever be public, I beseech you, sir, to inform your Government of it, in order that the limits may be settled truly, which now appear undetermined, and the operations of tracing them may be begun upon the bases already acknowledged by France when she formerly possessed the province of Louisiana.

May God preserve you many years.

THE MARQUIS DE CASA CALVO.

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R.

*Reply to the foregoing Protest.*

NEW ORLEANS, 12 of *Germinal*, year 12, (2d of April, 1804.)

To the *Marquis de Casa Calvo*, brigadier of the armies of Spain, and commissioner of his Catholic Majesty:

SIR: I will faithfully submit to my Government the declaration in the form of a protest, which you placed in my hands by your letter of the 10th of *Germinal* of the present year (March 31, 1804,) respecting the limits which should be established for Louisiana, according to the treaty of restoration and of cession, in execution of which I here represent the French people, by commission from the First Consul. I have the honor to salute you, sir, with the greatest consideration.

LAUSSAT.



FERDINAND CLARK.

[To accompany bill H. R. No. 813.]

JANUARY 4, 1837.

Mr. PINCKNEY, from the Committee on Commerce, made the following

REPORT:

*The Committee on Commerce, to which was referred the memorial of Ferdinand Clark, praying the remission of certain duties paid by him under the act relating to tonnage duty on Spanish vessels, have had the same under consideration, and respectfully submit the following report:*

It appears that the petitioner is a citizen of the United States, and a resident merchant at Havana; that he was the owner of the Spanish brig *Goode de Villanueva*, of which Captain Carlos de Ageo was commander; that the said brig, laden with a cargo of rice and lard, (part of which was also the property of the petitioner,) cleared from Charleston, in the State of South Carolina, for Havana, in the island of Cuba, on the 11th of September, 1835, having paid to the collector of the port of Charleston the sum of one thousand nine hundred and fifty-one dollars and forty-three cents, (\$1,951 43,) as tonnage duty, conformably to the act of Congress of the 30th of June, 1834, entitled "An act concerning tonnage duty on Spanish vessels;" that the said brig sailed from Charleston on the 13th of September, 1835, and that on the 17th of the same month she was wrecked on the coast of Florida, and that the vessel and cargo were totally lost, with the exception only of a portion of the lard. It also appears, that, in consequence of that disaster, the petitioner, through his agents, Messrs. Crocker & Co., merchants of Charleston, and consignees of the said brig, applied to the collector of the port of Charleston for relief, and that, at his suggestion, they subsequently addressed themselves to the Secretary of the Treasury, requesting that the duties thus paid might be refunded; but that they were then to understand by the Secretary that he had no authority to interpose in their behalf, and that relief in such cases could only be afforded by the action of Congress. The petitioner, accordingly, now applies to Congress for that redress which the Treasury Department is unable to afford.

Your committee deem it proper to state, that they have been unable to discover any precedent, by which relief has been granted in any similar case; but their inability to do so arises, unquestionably, from the fact that the present application is the first of the kind that has been presented to Congress since the passage of the act to which it relates. The want of precedent, therefore, opposes no impediment whatever to the extension of relief, supposing the petitioner to be entitled to it upon other grounds, see-

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ing that Congress is now called on, for the first time, to determine the principle by which its action shall be regulated in reference to cases of this description.

And the same remark may be applied to the fact to which your committee also deem it proper to advert, that, since the passage of the act referred to, no evidence can be found that duties have been returned, in similar cases, either in Cuba or Porto Rico. The want of evidence to this effect, however, by no means proves that applications for relief have been offered and rejected. On the contrary, it is but reasonable to presume that, in all cases like the present, the duties on American vessels would cheerfully be remitted by the Spanish authorities; and if this presumption be well founded, then it follows irresistibly that our ignorance of any instance of such remission may be much more justly attributable to the absence of all applications for relief, than to any determinate system of refusal, in relation to American vessels, on the part of the authorities of either of the islands.

The petitioner seems to imagine that the act of 1834 is an act imposing duties upon exports, and that, as such, it conflicts with that provision of the constitution which declares (sec. 9, art. 1,) that "no tax or duty shall be laid on articles exported from any State." It may not be amiss, therefore, to correct this construction, which is not only erroneous in itself, but entirely unnecessary to the prosecution of his claim. Nothing, certainly, is farther from the intention of Congress than to violate the constitutional prohibition just recited, by the passage of the act in question. On the contrary, it was expressly and avowedly designed, not as the imposition of an export tax, or for purposes of revenue, but as a retaliatory commercial regulation, of which the great object was to countervail the prohibitory duties imposed upon American vessels by the authorities of Cuba and Porto Rico, and a resort to which had been rendered imperatively necessary by a regard both to the shipping interest of our country and to the honor and dignity of the American flag. It was adopted, also, in the earnest hope that while it would protect our commerce against the ruinous inequality of duties that had formerly existed, and under the operation of which American vessels had been driven from the trade between those colonies and the United States, and were literally rotting at our wharves, it would also lead to the adoption, by the Spanish Government, of a more liberal policy, based upon the broad and equitable principle of commercial reciprocity. These were the objects of the law, and there was evidently no other method, than by the passage of such a law, by which these objects could have been effected. The American Government could not tax Spanish vessels in Spanish ports. It was compelled to tax them, therefore, in our own ports; and hence the provision requiring Spanish vessels, before they shall be permitted to clear out from a port of the United States with cargo destined to Cuba or Porto Rico, to pay a tonnage duty, equal to the discriminating duty that may be payable, for the time being, upon the introduction into either of those islands of the same cargoes in American bottoms.

But though the petitioner is manifestly wrong in regarding the act of 1834 as a tax upon exports, and therefore unconstitutional, he is not less entitled to the benefit of a liberal construction of its terms, and to the exercise of that humane policy by which the American Government has usually been actuated in reference to cases of individual hardship, arising

from the operation of its commercial or revenue laws. The great object of that act, as has been already stated, was to counteract the restrictive regulations in Cuba and Porto Rico, by which American vessels had been substantially occluded from the trade between the United States and those dependencies of the Spanish crown. It formed no part of the design, either to accumulate revenue, by exorbitant duties, or to punish individuals by unjust exactions. In every case, therefore, in which cargoes, intended for either of those islands, may be lost before reaching their destined ports, it is clearly consistent with the spirit of the law to extend relief. No one, it is presumed, will deny this, who will bear in mind that the Spanish duties, which the act in question was designed to counteract, can only be levied upon the arrival of a cargo in an American bottom in a Spanish port. Upon every principle of equity, therefore, the American duty should only be exacted upon the introduction of a cargo on a Spanish bottom in a Spanish port. From the necessity of the case, however, the American duty is required to be paid in advance; but though required in advance, it is still predicated upon the contemplated introduction of the cargo into a Spanish port; and surely it cannot comport with the object of the law, as it evidently does not with the liberal spirit of our Government, that a duty, having such direct relation to the arrival of the vessel and the landing of the cargo, should be retained, notwithstanding the total loss of both, and the consequent failure of the very event upon which, and upon which alone, it was designed to operate. To retain it, under such circumstances, would not only be unjust, seeing that the contingency never happened to which the right to the duty could only properly attach, but would be tantamount to the infliction of a penalty upon unavoidable misfortune. And this conclusion is confirmed by the very language of the act itself. Amongst other provisions designed to insure its enforcement by the prevention of evasions, it prescribes (sect. 3) that no Spanish vessel shall be allowed to clear for any other ports than those of Cuba and Porto Rico, without giving bond that the cargo shall not be landed in either of those islands; but that the bond may be cancelled on the production of a certificate by an American consul that the said cargo has been landed, *bona fide*, in some other place, and without intention to re-ship it for a port in either of those islands. Now, it is manifest from this, that it was the intention of the act only to secure the payment of the countervailing duty upon goods actually landed in Cuba or Porto Rico; and, such being the object of the law, it follows necessarily, that as, in the case before us, the contingency never occurred upon which the tax is bottomed, so the right to the duty never attached; and, consequently, that as the said duty was paid in advance, it ought to be refunded.

The extension of relief in the present case, moreover, is not only justified by its intrinsic equity, but by the analogous practice of Congress in relation to the fisheries. According to the laws prescribing the regulations of the bank and other cod fisheries, no vessel can be entitled to the bounty promised by these laws, unless she be legally qualified to engage in the fisheries, and unless she shall have been actually employed in the fishing business for the full period of four months, of what is technically denominated the fishing season, and shall have landed, within that season, a certain quantity of fish in proportion to her tonnage. It is well known, however, that in every instance in which fishing vessels have been prevented, by wreck or other disaster, from completing the period required by law, the

bounty has always been allowed, by special acts of Congress, as if the entire term of service had been performed. Now, there is not only a very palpable analogy between those cases and the one before us, but the latter, in the opinion of your committee, exhibits decidedly the strongest claim to the liberal interposition of the Government. Where a fishing vessel has been lost at sea before completing the allotted time, it is evident, that as the owner had failed to comply with the requisitions of the law, he had no legal claim to the allowance to which a full performance of them was absolutely necessary to entitle him. And so, again, as the allowance here referred to is not in the nature of payment for services rendered to the Government, but rather of a gratuity for the encouragement of enterprise in the particular vocation to which it relates, it is equally clear that if it had been the practice of Congress to withhold it from the owners of vessels lost at sea or that had otherwise failed to fulfil the law, the owners of such vessels, however they may have merited sympathy on account of their misfortunes, could have imputed no injustice to the Government for refusing compensation they had failed to earn, or for retaining money to which they had been unable to acquire a right. And yet, in all such cases, the bounty has been uniformly and correctly given. If, then, it be just to render compensation in cases of this character, notwithstanding the total failure of the conditions upon which it is made to depend, how much more powerfully does the present case, in which a heavy duty has been paid upon a vessel totally lost, and from whose cargo, of course, no possible benefit could be realized, appeal to the humane and liberal spirit of our Government?

As regards the averments made by the petitioner, they are all fully substantiated by documentary proof. The payment of the duty is certified by the collector and naval officer of the port of Charleston. The subsequent destruction of the vessel and cargo on the coast of Florida is attested by Messrs. Crocker & Co., respectable merchants of Charleston, and also by the protest and other papers connected with the case.

Upon the whole, your committee entertain no doubt of the necessity and policy of the act of 1834, as a retaliatory measure; but they have yet to learn that it was the intention of Congress, in passing that statute, to insist upon the retention of the duties collected under it in all cases whatsoever, and without any regard to unavoidable disaster, or to the injury that would necessarily be inflicted on individuals by its indiscriminate enforcement. To suppose this, would be to suppose that it was not only the design of Congress to convert a great measure of national policy into a petty instrument of private and personal oppression, but that they had also determined to legislate, in all cases arising under this act, upon principles directly repugnant to those by which they have been usually governed in reference to cases of an analogous description. Your committee cannot believe that such was the intention of Congress, or that such is the spirit of the law; and, therefore, actuated by these views, and considering the petitioner equitably entitled to relief, they respectfully report a bill for the refunding of the duties so paid by him.

#### *District and Port of Charleston:*

We do hereby certify, that the Spanish brig, called the Conde de Villanueva, Carlos de Ageo, master, arrived and entered at this port from Havana, on the 3d September, 1835, and paid the tonnage duty 167 cents



tonnage and light money, viz: 189 $\frac{1}{2}$ , amounting to \$366 26; and, that the said brig Conde de Villanueva did, on the 11th September, 1835, clear for the said port of Havana, with a cargo of rice and lard; and, that on her so clearing, the duty on tonnage under the act of Congress of 30th June, 1834, entitled "An act concerning tonnage duty on Spanish vessels," was paid, to wit: on the rice \$1,690 26, and on the lard \$261 19, amounting in the whole to \$1,951 45; and it is believed by us that the said brig did sail from this port soon after having so cleared.

Witness our hands and seals this 25th day of June, 1836.

J. R. PRINGLE, *Collector*.

CHAS. JNO. STEEDMAN, *Naval Officer*.

TERRITORY OF FLORIDA, {  
 County of St. John's. }

Carlos de Ageo, master of the brig Conde de Villanueva, burden one hundred and forty-seven and a half tons, laden with sundry articles of merchandise, to wit, rice, lard, &c., sailed from the port of Charleston, in the State of South Carolina, on the 13th day of September, A. D. 1835, bound for the port of Havana, and got on shore on the 17th September, A. D. 1835, about 11 o'clock, A. M., and, fearing damage and total loss of vessel and cargo, notes his protest accordingly.

CARLOS DE AGEO.

Done before me, in the city of St. Augustine, this 21st day of September, A. D. 1835.

JOHN C. CLELAND,  
*Notary Public.*

By this public instrument of protest, &c., That on the 28th day of September, A. D. 1835, personally came and appeared before me, John C. Cleland, Esq., a notary public in and for the county of St. John's, and Territory of Florida, Carlos de Ageo, master of the brig, or vessel, called the Conde de Villanueva, of the burden of one hundred and forty-seven tons and a half, or thereabouts, belonging to the port of Havana, and Fermin Arizaga, mate; Antonio Buvias, boatswain; Jacinto Oliveres, cook; Juan Mauricio, seaman; Salvador Romero, seaman; Manuel Villavicencio, seaman; Arthur Webster, seaman; and Alexander De la Mar, seaman, all belonging to said brig, who severally declared that the said brig, or vessel, being laden with rice and lard, on the 13th day of September, A. D. 1835, they, the said appearers, set sail on board of the said brig, or vessel, from the port of Charleston, in the State of South Carolina, bound directly to the port of Havana, in the island of Cuba; and that the said brig, on the prosecution of her said voyage, on the 15th day of September, A. D. 1835, was overtaken by a violent storm and gale of wind, the particulars of which are hereunto set forth, from the departure of the said brig from the port of Charleston, in the State of South Carolina, to wit: at 12 o'clock, meridian, of the 13th of September, A. D. 1835, took our departure from Charleston bar, with the wind at north-northeast, fair and moderate weather, steering south half

west course: at 12 o'clock, meridian, on the 14th of September, A. D. 1835, the weather still moderate, wind east-northeast, steering south and by east course: at 6 o'clock, P. M., the wind freshened, and blowing from east-northeast, steering southeast course, took in the mainsail, trysail, top gallantsails, royals and jib, and took a reef in the fore and main topsail the wind blowing very fresh. On the 15th of September, A. D. 1835, about half-past one, P. M., took in the fore topsail and close reefed the main topsail, the wind at east-southeast, blowing a gale in squalls, vessel steering a northeast course. On the 16th September, A. D. 1835, at 10 o'clock A. M., took in and furled the foresail, and continued steering the same course during the day, blowing a perfect gale, heavy sea running, and shipped several seas, which caused the brig to leak badly; manned the pumps, and kept them constantly going: at 12 o'clock, M., the wind shifted from northeast to east, east and by north, east-northeast, blowing all the time a dreadful gale, with a heavy chopping sea running; wore the brig and steered a south-southeast course, and continued this course without any variation.

No observation for the last three days. On the 17th day of September, A. D. 1835, got soundings in eleven fathoms water; at 6 A. M., wore the brig again, and steered a north-northeast course, wind at east, blowing a gale, with heavy sea running; at 10 o'clock, A. M., got soundings in eight fathoms water; continued this course until within two miles of the land; at 11 A. M., finding the shore close aboard, without any earthly prospect of weathering a lee shore, or of saving the brig and cargo, ran in for the beach, steering west-northwest for the purpose of saving the lives of all on board. Previous to the striking of the vessel, let go the best bower chain cable and anchor at the edge of the breakers, which was made fast to the mainmast. In a few seconds afterwards the brig struck; cut away the foremast to lighten her, so as to bring the head and bows of the brig on shore, the better to save the lives of the crew. Finding, from the heavy sea running, and the gale continuing with unabating fury, and the vessel striking hard, and fearing, also, that the floating timber around the vessel might endanger the lives of all on board, should the vessel go to pieces, deemed it prudent to abandon the vessel, and all hands swum for the shore; in doing of which, two of the crew were drowned; one, Juan Pablo, an American, a native of Portland, in the state of Maine; the other, Matthew, a Spaniard, and native of Barcelona; the rest of the crew got on shore at the great risk of their lives, and much exhausted; one of the crew, in particular, Alexander De la Mar, was rescued from a watery grave by the great exertions of the captain.

All the important papers of the vessel, including the log book, were lost, and the master, mate, and surviving crew barely saved themselves and the clothes they had on. And the said appearers further declare and say, that after they got on shore, they walked some distance before they discovered a house, which, on coming up to it, turned out to be the plantation and residence of Abraham Dupont, Esq., who received them very hospitably, and made them as comfortable as he possibly could, and for whose kindness they feel truly grateful. Not knowing what part of the coast they landed on, were informed by Mr. Dupont they were on the Florida coast, about 26 miles south from St. Augustine. The master requested Mr. Dupont to convey him there for the purpose of obtaining the necessary advice, and of noting his protest for the benefit of all concerned. On the 20th September, A. D. 1835, the master arrived in St. Augustine, and immediately noted his pro-

and, after receiving the necessary advice, proceeded to the wreck forthwith; and going through the required forms of advertising the vessel and cargo for sale, the same were sold at public auction on the ——— day of September, A. D. 1835, for the benefit of all concerned.

And the said appearers did further severally declare, that the said brig, at the time of her departure from the port aforesaid, upon the said intended voyage, was tight, staunch, and strong, and had her hatches well and sufficiently caulked and covered, and was well and sufficiently manned, provided, and furnished with all things needful and necessary for the said voyage; and, that during the said voyage and gale, the said appearers and their company used their utmost endeavors to preserve the said brig and the goods of her loading from damage and loss; and, therefore, the said Carlos de Ageo, master of the said brig, did declare to protest against all and every person or persons whom it shall or may concern, and does declare that all damages, losses, and detriments that have happened to the said brig and the goods of her loading, are, and ought to be, borne by the merchants and freighters interested, or whomsoever else it shall or may concern; the same having occurred as before mentioned, and not by or through the insufficiency of the said brig, or neglect of the said master, or any of his mariners.

All which matters and things were declared, alleged, and affirmed as before is set forth, in the presence of me, said notary. And I, the said notary, at the request of the said Carlos de Ageo, the late master of the brig Conde de Villanueva, did and do hereby solemnly protest against the same in manner and form aforesaid, so that all matters of insurance respecting the said brig the Villanueva and her cargo, or either of them, may hereafter be properly adjusted and settled. Thus done and protested at the city of St. Augustine, county and territory aforesaid, this twenty-eighth day of September, A. D. 1835.

JOHN C. CLELAND, *Notary Public.*  
CARLOS DE AGEO, *Master of brig Villanueva,*  
(and all the crew.)

TERRITORY OF FLORIDA,  
County of St. John's, city of St. Augustine. }

I, John C. Cleland, a notary public in and for the county of St. John's, and Territory of Florida, residing in the city of St. Augustine, and duly commissioned and sworn, do hereby certify that all the matters and things set forth in the above public instrument of protest were solemnly made before me, and that the same is a true and correct copy from the original, recorded in my office.

In witness whereof, I, the said notary, have subscribed my name and affixed hereunto my notarial seal, this thirtieth day of September, [i. e.] A. D. 1835.

JOHN C. CLELAND, *Notary Public.*

CITY OF ST. AUGUSTINE,  
Territory of Florida, county of St. John's. }

I, Antonio Alvarez, mayor of the city of St. Augustine, Territory aforesaid, do hereby certify that John C. Cleland, whose official signature and seal are attached to the foregoing document, is known to me as notary pub

lic for the county of St. John's, in the Territory aforesaid, and that to same full faith and credit are due, and ought to be given.

In testimony whereof, I hereunto subscribe my name, and affix the seal of the said city, this thirtieth day of September, A. D. one thousand eight hundred and thirty-five.

ANTONIO ALVAREZ, *Mayor.*

TERRITORY OF FLORIDA, }  
City of St. Augustine. }

I, Robert Raymond Reed, judge of the superior court for the district of East Florida, in the Territory aforesaid, do hereby certify and declare that the honorable Antonio Alvarez, whose signature is affixed to the foregoing certificate, is the mayor of the city of St. Augustine.

In witness whereof, I hereunto affix my signature, this first day of October, 1835.

ROBERT RAYMOND REED.

SUPERIOR COURT, }  
District of East Florida. }

I, Kingsley B. Gibbs, clerk of the said court, for the district aforesaid, do hereby certify, that the honorable Robert Raymond Reed, whose signature is affixed to the foregoing attestation, is judge of the superior court for the district of East Florida; and that the signature to the said attestation, "Robert Raymond Reed," is in the proper hand-writing of the said Robert Raymond Reed, to me well known.

[L. S.] In testimony whereof, I have hereunto set my hand, and affixed the seal of the said court, this second day of October, A. D. 1835.

K. B. GIBBS, *Clerk.*

INTERCOURSE WITH THE BARBARY POWERS.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

TRANSMITTING

*A statement of moneys disbursed from the Treasury, for expenses with the Barbary Powers, for the year 1836.*

JANUARY 6, 1837.

Referred to the Committee on Foreign Affairs.

TREASURY DEPARTMENT, *January 5, 1837.*

SIR: In obedience to the 6th section of the act of Congress entitled "An act fixing the compensation of public ministers, and of consuls residing on the coast of Barbary, and for other purposes," approved May 1, 1810, I have the honor to submit the accompanying statement prepared by the Register of the Treasury, and the report made by the Fifth Auditor; they contain all the information received at this department in respect to the subject-matter of said section, during the preceding year.

I am, very respectfully,

Your obedient servant,

LEVI WOODBURY,  
*Secretary of the Treasury.*

Hon. JAMES K. POLK,

*Speaker of the House of Representatives.*

TREASURY DEPARTMENT,  
*Fifth Auditor's Office, January 3, 1837.*

SIR: In answer to Mr. Young's note of yesterday, desiring a report of the situation of the accounts of the United States consuls on the Barbary coast, I have the honor to state, that the settlement of the following, now held in this office, has been suspended under recent decisions made by the Secretary of State, to await further vouchers and explanations relative to certain charges contained therein, and that their present situation is as before stated viz.:

*W. & Rives, printers.*

**1st. James R. Leib, United States consul at Tangier : accounts received from January 1, 1832, to March 31, 1836.**

**Cr.**

Salary due him, say from January 1, 1832, to June 30, 1836 - \$9,000

Claimed by him for expenses, consisting of presents, couriers, conveyances, expenses of flag-staff, rent of chancery, compensation to interpreter, secretary, (not admissible,) soldier, &c., office furniture, portage, boat hire, stationery, and miscellaneous expenses; including \$3,493 13, for consular presents delivered at Fez to the Emperor and his ministers; \$2,712 32 for expenses of a mission to Fez; \$528 33 for expenses of keeping a lion and horses, (presented by the Emperor,) and \$120 for his own passage to Gibraltar, (no account received for 2d quarter, 1836) - 15,420

**\$24,420**

**Dr.**

Amount of payments made to him at the Treasury, and on his drafts upon the United States bankers at London, to July 24, 1836 - 21,854

Balance in his favor on these acc'ts (exclusive of loss in exchange) \$2,571

**2d. Samuel D. Heap, United States consul at Tunis : accounts received from January 1, 1834, to December 31, 1835.**

**Dr.**

Amounts of payments made on his drafts on London to July 12, 1836 - \$3,000

Balance due from him on the previous settlement of his accounts (to December 31, 1833) - 8,893

**\$11,893**

**Cr.**

Amount of an error in exchange on drafts in former accounts - \$281 68

Claimed by him for expenses, consisting of presents, compensation to drogomans, couriers, conveyances, expenses of flag staff, stationery, postage, translations, commission and brokerage on drafts, relief of an American seaman, (not applicable to Barbary fund,) rent of a country house, (not admissible) on account of mortality in the city, compensation to, and expenses paid by, an agent of the consulate at the goleta, (harbor,) and miscellaneous expenses, (no account received for the half year ending June 30, 1836) - 2,172 43

Amount due him for salary, say to June 30, 1836 - 5,000 00

**7,45**

**Balance against him on these accounts**

**\$4,43**

[ Doc. No. 69. ]

*31. D. Smith McCauley, United States consul at Tripoli : accounts received from January 1 to June 30, 1836.*

Dr.		
Amount paid on his drafts on London to August 12, 1836	-	\$1,422 22
Cr.		
Salary due him for half a year ending June 30	-	\$1,000 00
Amount of expenses claimed by him, consisting		
of presents, drogoman and interpreter's wages		
boat hire, and miscellaneous expenses	-	306 58
		<hr/>
		1,306 58
Balance against him on these accounts	-	<hr/>
		\$115 64

These consuls have been written to upon the subject of the deficiencies above intimated, and also for the purpose of advising them as to the necessity of limiting their expenses strictly to the authority contained in the laws and in their instructions from the Department of State.

I have the honor to be,

Very respectfully, sir,

Your obedient servant,

S. PLEASANTON.

TREASURY DEPARTMENT,

*Fifth Auditor's Office, January 3, 1837.*

Hon. LEVI WOODBURY,

*Secretary of the Treasury.*

*Statement of all the moneys disbursed from the Treasury of the United States, for expenses of intercourse with the Barbary Powers, for the year 1836.*

April 8	Edward Stubbs, agent Department of State	\$1,000 00	
22	Do. do.	- 1,000 00	
28	Do. do.	- 1,120 65	
June 25	Do. do.	- 103 20	
		<hr/>	\$3,223 85
May 27	William B. Hodson, late special agent in Turkey, for balance found due to him for his salary and expenses from July 5, 1834, to March 2, 1835	- 251 49	
July 8	James R. Leib, consul at Tangier	- 4,000 00	
May 20	R. & J. Phillips, for bills of exchange remitted to Europe	- 8,000	
Dec. 20	R. & J. Phillips, for bills of exchange remitted to Europe	- 1,900	
		<hr/>	9,960 00
	Total amount disbursed from the Treasury	-	<hr/>
			\$17,375 34

TREASURY DEPARTMENT,

*Register's Office, January 4, 1837.*

T. L. SMITH, *Register.*





MEMORIAL

OF

A NUMBER OF CITIZENS OF PHILADELPHIA,

*Praying that the Payment of the awarded Indemnity under the late Treaty with France may be anticipated.*

JANUARY 10, 1837.—Referred to the Committee on Finance.

JANUARY 12, 1837.—Committee discharged, laid on the table, and ordered to be printed.

*To the honorable the Senate and House of Representatives of the United States in Congress assembled :*

*The memorial of the subscribers, claimants under the late treaty of indemnity with France,*

RESPECTFULLY SHEWETH :

That, confiding in the paternal disposition of the Government to relieve the pecuniary embarrassment of the country, whenever it can be done without risk or inconvenience, they respectfully solicit that Congress may pass a law authorizing and directing the Secretary of the Treasury to advance and pay, out of the public treasury, to the claimants in whose favor awards have been made, under the late treaty with France, the amounts respectively awarded to them under said treaty.

Your memorialists would respectfully represent that important advantages would result from this measure, both to the public and to the claimants: to the public, inasmuch as the Government would receive interest for this money, now unemployed in the national treasury: to the claimants, (who have been deprived of their property between twenty and thirty years,) it would afford great relief, at this time of unparalleled pressure in the money market. Nor would this relief be confined to the claimants alone: money once put into circulation, soon passes through all classes of society, benefiting alike the laborer, mechanic, and original owner of the fund.

Fully believing that the measure which your memorialists recommend would greatly relieve the pecuniary embarrassments now severely felt

[Sales & Seaton, print.]

in our commercial cities, they most earnestly and respectfully recommend it to the early consideration of your honorable body, in whose liberality, wisdom, and justice, they have the most entire confidence.

PHILADELPHIA, *December 27, 1836.*

For the Insurance Company of the State of Pennsylvania,  
SIMEON TOBY, *President.*

For the Phoenix Insurance Company of Philadelphia,  
DAVID LEWIS, *President.*  
J. RIDGWAY.

For the Philadelphia Insurance Company,  
CHAS. H. BAKER, *President.*  
J. B. McILVAINE.

For the United States Insurance Company,  
WILLIAM YOUNG, *President.*

For the Union Insurance Company,  
L. CLAPIER, *President.*

For the Delaware Insurance Company of Philadelphia,  
SAMUEL KEITH, *President.*

For the Insurance Company of North America,  
JOHN C. SMITH, *President.*

For the Marine Insurance Company of Philadelphia,  
JACOB SULGER, jr., *President.*

Daniel W. Coxe,  
Jacob R. Ametz,  
Eyre and Massey,  
John Hemphill,  
Samuel W. Jones,  
James Latimer,  
*Ex'r of Geo. Latimer.*

William Lynch,  
Matthew C. Ralston,  
P. E. Birckhead,  
*Ex'r estate A. Kintzing, dec'd.*  
Joseph Dugan,  
John Connell.

**SALARIES—FOREIGN MINISTERS, &c.**

[To accompany bill H. R. No. 836.]

**JANUARY 13, 1837.**

Printed by order of the House of Representatives.

*COMPARATIVE ESTIMATE of the present expenses of the missions abroad, and of those which might be expected to accrue, under the system proposed in the draught of a bill which this statement accompanies.*

GREAT BRITAIN.		
Salary of a minister at present	- - -	\$9,000
Outfits and return allowances, the average of 11 years, per year	- - -	7,509
		<u>16,509</u>
Proposed salary	- - - \$15,000	
Outfit	- - - 5,000	
Allowance for return	- - - 3,750	
On the supposition that the minister should remain for 5 years, the annual expense would be :		
Salary	- - - \$15,000	
Outfit and return allowance, averaging p. ann.	- - - 1,750	
		<u>16,750</u>
FRANCE.		
Salary of a minister at present	- - -	9,000
Outfits and return allowances, the average of 10½ years, per annum	- - -	4,390
		<u>13,390</u>
Proposed salary and allowances, the same as Great Britain	- - -	<u>16,750</u>
SPAIN.		
Salary of a minister at present	- - -	9,000
Outfits and return allowances, the average of 11½ years, per annum	- - -	3,717
		<u>12,717</u>

## ESTIMATE—Continued.

Proposed salary (the mean)	-	-	\$9,000
Outfit	-	-	5,000
Return allowance	-	-	2,250
On the supposition that the minister should remain 5 years, the annual expense would be :			
Salary	-	-	\$9,000
Outfit and return allowances, averaging per annum	-	-	1,450

10,450

## RUSSIA.

Salary of a minister at present	-	-	\$9,000
Outfits and return allowances, the average of 11 years, per annum	-	-	4,900

13,900

Proposed salary	-	-	\$15,000
Outfit	-	-	5,000
Return allowance	-	-	3,750
On the supposition that the minister should remain 5 years, the annual expense would be :			
Salary	-	-	15,000
Outfit and return allowances, averaging per annum	-	-	1,750

16,750

## PORTUGAL.

Salary of a chargé d'affaires at present	-	-	4,500
Average of outfits and return allowances of 11½ years, per annum	-	-	880

5,380

Proposed salary (mean)	-	-	\$4,000
Outfit	-	-	2,000
Return allowance	-	-	1,000
Or, supposing the chargé should remain 5 years, the annual expense would be :			
Salary	-	-	\$4,000
Outfit and return allowances, averaging per annum	-	-	600

4,600

ESTIMATE—Continued.

NETHERLANDS (HOLLAND.)

Salary of a chargé d'affaires at present	-	\$4,500
Outfits and return allowances, the average of 10 years, per annum	-	900
		<u>5,400</u>

Proposed salary	-	\$4,000
Outfit and return, as above	-	3,000
On the supposition that the chargé should remain 5 years, the annual expense (as at Portugal) would be	\$4,600	

BELGIUM.

Salary of a chargé d'affaires at present	-	4,500
Outfits and return allowances, the average of 3½ years, per annum	-	1,607
		<u>6,107</u>

Proposed salary	-	\$4,000
Outfit and return allowance, as above	-	3,000
On the supposition that the chargé should remain 5 years, the annual expense (as in Portugal) would be	4,600	

DENMARK.

Salary of a chargé d'affaires at present	-	4,500
Outfits and return allowances, average of 4½ years, per annum	-	2,117
		<u>6,617</u>

Proposed salary	-	\$4,000
Outfit and return allowance	-	3,000
On the supposition that the chargé should remain 5 years, the annual expense (as in Portugal) would be	4,600	

SWEDEN.

Salary of a chargé d'affaires at present	-	4,500
Outfits and return allowances, average of 10 years, per annum	-	1,462
		<u>5,962</u>

Proposed salary	-	\$4,000
Outfit and return allowance, as above	-	3,000

## ESTIMATE—Continued.

On the supposition that the chargé should remain 5 years, the annual expense (as in Portugal) would be	\$4,600	
<b>TURKEY.</b>		
Salary of a chargé d'affaires at present	-	\$4,000
Average of outfit, (no return,) of 5½ years, per annum	-	800
		5,300
Proposed salary	-	\$4,000
Outfit and return, as above	-	3,000
On the supposition that the chargé should remain 5 years, the annual expense (as in Portugal) would be	4,600	
<b>PRUSSIA.</b>		
Salary of a chargé d'affaires at present	-	4,500
Outfit, (no return,) average of 1 year 7 months, per annum	-	280
		7,300
Proposed salary	-	\$4,000
Outfit and return allowance	-	3,000
On the supposition that the chargé should remain 5 years, the annual expense (as in Portugal) would be	4,600	
<b>MEXICO.</b>		
Salary of a chargé d'affaires at present	-	4,500
Outfits and return allowances, average of 7 years, per annum	-	1,400
		5,900
Proposed salary	-	\$4,000
Outfit and return allowance, as above	-	3,000
On the supposition that the chargé should remain 5 years, the annual expense (as in Portugal) would be	4,600	
<b>CENTRAL AMERICA.</b>		
Salary of a chargé d'affaires at present	-	4,500
Outfits and return allowances, average of 4 years 10 months, per annum	-	2,000
		6,500

ESTIMATE—Continued.

Proposed salary - - - - \$4,000		
Outfit and return, as above - - - - 3,000		
On the supposition that the chargé should remain 5 years, the annual expenses (as in Portugal) would be	\$4,600	
<b>CHILI.</b>		
Salary of a chargé d'affaires at present - - - -	-	\$4,500
Outfit and return allowances, average of 9½ years, per annum - - - -	-	1,084
		<u>5,584</u>
Proposed salary - - - - \$4,000		
Outfit and return, as above - - - - 3,000		
On the supposition that the chargé should remain 5 years, the annual expense (as in Portugal) would be	4,600	
<b>NEW GRANADA.</b>		
Salary of a chargé d'affaires at present - - - -	-	4,500
Outfit, (no return,) average of 3½ years, per annum - - - -	-	1,200
		<u>5,700</u>
Proposed salary - - - - \$4,000		
Outfit and return - - - - 3,000		
On the supposition that the chargé should remain 5 years, the annual expenses (as in Portugal) would be	4,600	
<b>BRAZIL.</b>		
Salary of a chargé d'affaires at present - - - -	-	4,500
Outfit and return allowances, average of 11 years, per annum - - - -	-	1,840
		<u>6,340</u>
Proposed salary - - - - \$4,000		
Outfit and return, as above - - - - 3,000		
On the supposition that the chargé should remain 5 years, the annual expense (as in Portugal) would be	4,600	
<b>BUENOS AYRES.</b>		
Salary of a chargé d'affaires at present - - - -	-	4,500
Outfit and return allowances, average of 6½ years, per annum - - - -	-	1,500
		<u>6,000</u>

## ESTIMATE—Continued.

Proposed salary	-	-	-	\$4,000	
Outfit and return	-	-	-	3,000	
On the supposition that the chargé should remain 5 years, the annual expense (as in Portugal) would be					\$4,600
PERU.					
Salary of a chargé d'affaires at present	-	-	-	-	\$4,000
Outfit, average of 7 years, per annum	-	-	-	-	5,000
Proposed salary	-	-	-	\$4,000	
Outfit and return	-	-	-	3,000	
On the supposition that the chargé should remain 5 years, the annual expense (as in Portugal) would be					4,600
VENEZUELA.					
Salary of a chargé d'affaires at present	-	-	-	-	4,000
Outfit, average of 1 year 8 months, per annum	-	-	-	-	2,000
Proposed salary	-	-	-	\$4,000	
Outfit and return	-	-	-	3,000	
On the supposition that the chargé should remain 5 years, the annual expense (as in Portugal) would be					4,600



RECAPITULATION.

	Estimated annual expense, as at present.	Estimated annual expense, as proposed.
Great Britain - - - - -	\$16,509	\$16,750
France - - - - -	13,390	16,750
Spain - - - - -	12,717	10,450
Russia - - - - -	13,909	16,750
Portugal - - - - -	5,380	4,600
The Netherlands - - - - -	5,400	4,600
Belgium - - - - -	6,107	4,600
Denmark - - - - -	6,617	4,600
Sweden - - - - -	5,962	4,600
Turkey - - - - -	5,318	4,600
Prussia - - - - -	7,342	4,600
Mexico - - - - -	5,946	4,600
Central America - - - - -	6,595	4,600
Chili - - - - -	5,584	4,600
New Granada - - - - -	5,700	4,600
Brazil - - - - -	6,340	4,600
Buenos Ayres - - - - -	6,000	4,600
Peru - - - - -	5,143	4,600
Venezuela - - - - -	7,200	4,600
Total -	\$147,159	\$129,700

*Contingent expenses of foreign missions.*

Great Britain, average of 4 years and 5 months - - -	\$1,713
Pans do. 3 " 9 " - - -	1,221
Russia do. 3 " 3 " - - -	586
Spain do. 2 " 9 " - - -	2,180
Portugal do. 7 " - " - - -	343
Belgium do. 3 " 6 " - - -	134
Holland do. 2 " 2 " - - -	423
Sweden do. 3 " 8 " - - -	304
Denmark do. 6 " - " - - -	394
Turkey - - - - -	3,000
Mexico do. 2 " 9 " - - -	681
Central America, do. 2 " 9 " - - -	207
Colombia do. 2 " 9 " - - -	730
Venezuela do. - " 9 " - - -	556
Peru do. 2 " 9 " - - -	117
Brazil do. 2 " 2 " - - -	192
Chili - - - - -	159

\$12,940

New Granada, no account.

DEPARTMENT OF STATE, January 7, 1837.



CHARLES G. RIDGELY.

[To accompany bill H. R. No. 846.]

JANUARY 17, 1837.

Mr. HOWARD, from the Committee on Foreign Affairs, made the following

REPORT :

*The Committee on Foreign Affairs, to which was referred the memorial of Commodore Charles G. Ridgely, praying remuneration for various necessary expenditures incurred by him as commanding officer of the naval forces of the United States, on the South American station, in 1820-21, report :*

That it appears that, during the years 1820 and 1821, whilst Captain Ridgely was in command of the American squadron in the Pacific ocean, and when war was raging in Peru and Chili, the Spanish viceroy, having been deposed, sought a temporary refuge, with his suite and attendants, on board of the United States frigate Constellation, under the command of Captain Ridgely ; that he incurred considerable expenses in entertaining his guests ; that, on other occasions, he received distinguished Spaniards on board of his squadron, owing to the prevailing unsettled state of things ; and that, whilst he was affording them a protection, dictated by humanity, and warranted by his instructions from the Navy Department, incurred extraordinary expenses in entertaining them ; and that he also performed other services, during his cruise, not falling within the ordinary duties of the commander of a squadron, but demanded by the unsettled condition of public affairs, and the consequent necessity of protecting the substantial interests of his country.

Upon referring to the Navy Department for a knowledge of the instructions under which Captain Ridgely sailed, for the purpose of ascertaining whether his conduct was justified by them, the committee find that a large discretionary power was given (as ought to have been given) to the commanding officer, upon such a distant and delicate duty. The Secretary of the Navy directed him, among other things, as follows: "In touching at the ports of Chili and Peru, and all others in South America, you will ascertain whether the trading or whale ships of the United States are molested in the prosecution of their voyages, and the causes of such molestation, and afford to them all particular relief, in cases of need ; and, at all the ports you may visit, make such display of the ship under your command, as shall be best calculated to produce impressions favorable to the interests of the United States." "You will visit all the United States ships and vessels you may meet, with a view to ascertain their situation, and whether they

have been interrupted in their lawful pursuits; afford them aid, protection and security, consistently with the laws of nations, and the respect due the existing authorities, wherever and whenever such protection and aid shall be needed and can be afforded."

The two following examples are selected amongst the services performed by Captain Ridgely, under these general instructions, which appear to the committee to fall legitimately within their scope. In 1821, a revolution took place at Lima, in Peru, and that city fell into the hands of General San Martin. Immediately preceding the fall of the city, the Viceroy of Spain, General Pezuela, an old gentleman of seventy years of age, and who had been Viceroy of Peru for twelve years, was deposed, and made his escape on board an American merchant ship, called the General Brown. He was accompanied by his son-in-law, a colonel in the service of the King of Spain, and by his confessor. In a day or two after this event, the frigate Constellation arrived, and Captain Ridgely found a determination existing on the part of the commander of the fleet of Chili, to capture the General Brown, with the intention of sacrificing the life of this venerable Viceroy. He listened, from humanity and policy, to the appeal for protection on behalf of his ship for the Governor who had for so many years presided over the country, and who might, perhaps, be soon called upon to resume his power. All the other ports of Peru were at that time under the government of Spain, and prudence, therefore, required that a kind feeling towards the American flag should be maintained in those ports. These persons were received on board of the frigate by Captain Ridgely as his guests, and entertained at his expense, until an opportunity was afforded of placing them in safety.

Upon another occasion, Mr. Prevost, then at Lima, exhibited to Captain Ridgely a letter which he had received from the master of a large merchant ship, belonging to New York, with a very valuable cargo on board, stating that his vessel was taken possession of by the authorities of Guayaquil, and calling for assistance from the civil and military powers of his country. The revolutionary condition of Guayaquil at that moment, and the absence of all regular government, required a speedy and effectual interposition. Although Mr. Prevost was not, perhaps, strictly accredited, according to diplomatic etiquette, to the authorities of Guayaquil, yet he was known to be an agent of the American Government, and Captain Ridgely promptly repaired with him to the relief of their countryman in distress. The union of civil and military interference was too influential to be resisted, and the vessel was released; but the expenses of maintaining Mr. Prevost fell, of course, upon Captain Ridgely, and are properly chargeable to the United States.

These two cases will serve to illustrate the general character of the services rendered by Captain Ridgely, under his instructions; and it is unnecessary to enumerate more. The price of provisions is represented to have been enormous. Captain Clack certifies, that at the time when the Viceroy was received on board, flour was selling for one hundred dollars per barrel, and other articles proportionably high. Although no precise data exist in the case, from which to compute exactly the expense sustained by the commodore, the committee have endeavored to ascertain it, and believe that six thousand dollars would not be more than a fair allowance.

They, therefore, report a bill for that amount.

**J. P. HUTCHINSON.**

[To accompany bill H. R. No. 849.]

JANUARY 17, 1837.

Mr. CRAMER, from the Committee on Foreign Affairs, made the following

**REPORT:**

*The Committee on Foreign Affairs, to which was referred the petition of J. P. Hutchinson, report :*

That it appears from the memorial and documents submitted to the committee, that Mr. Hutchinson, while consul of the United States at Lisbon, upon the recall of Mr. Brent, the former chargé d'affaires of the United States at Lisbon, which took place on the 27th day of November, 1834, was left in charge of the archives of the legation, by the direction of the State Department; and between that period and the arrival of Mr. Kavanagh, the successor of Mr. Brent, which was on the 20th of July, 1835, Mr. Hutchinson had occasion to correspond with the Portuguese Government and the Government of the United States, on subjects properly and appropriately appertaining to the functions of chargé. Under similar circumstances, and for the performance of like services, the salary of chargé d'affaires has been allowed by Congress for the time during which said person was engaged in the duties properly belonging to that office.

The committee are of opinion that it would be just and equitable, under the circumstances disclosed in this case, to allow the petitioner the compensation which he asks; and they report a bill in conformity thereto.

Blair & Rives, printers.



## MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

TRANSMITTING

*His correspondence with General Santa Anna, President of the Republic of Mexico, in compliance with a resolution of the Senate of the 16th inst.*

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JANUARY 19, 1837.

Read, and ordered to be printed.

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*To the Senate of the United States :*

In compliance with the resolution of the Senate, dated the 16th instant, I transmit a copy and a translation of a letter addressed to me on the 4th of July last, by the President of the Mexican Republic, and a copy of my reply to the same, on the 4th of September. No other communication upon the subject of the resolution referred to has been made to the Executive by any other foreign Government, or by any person claiming to act in behalf of Mexico.

ANDREW JACKSON.

WASHINGTON, January 18, 1837.

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*The President of the Mexican Republic to the President of the United States.*

COLUMBIA, ( TEXAS, ) Julio 4 de 1836.

Mi SEÑOR MIO Y DE MI APRECIO : .

Cumpliendo con los deberes que la patria y el honor imponen al hombre publico, vine á este pais á la cabeza de seis mil Mejicanos. Los azares de la guerra, que las circunstancias hicieron inevitables, me redujeron á la situacion de prisionero, que conservo segun estará Vmd. impuesto.

La buena disposicion del Señor Don Samuel Houston, general-en-gefe del ejercito Tejano, para la terminacion de la guerra ; la de su sucesor el Señor Don Tomas T. Rusk ; la decision del Presidente y Gabinete de Texas, por una transacion decorosa entre las partes contendentes, y mi convencimiento, produjeron los convenios de que adjunta á Vmd. copias, y las ordenes que dicté á mi segundo el General Filisola, para que

[Gales & Seaton, print.]

con el resto del ejercito Mejicano se retirara desde este rio de los Brazos, en que se hallaba, hasta el otro del rio Brabo del Norte.

No cabiendo duda que el General Filisola cumplia religiosamente con cuanto la correspondia, el Presidente y Gabinete dispusieron mi marcha á Mejico, para poder llanar alli los demas compromisos ; y al efecto fuí embarcado en la goleta Invencible, que debia conducirme al Puerto de Vera Cruz ; pero desgraciadamente, algunos indiscretos promovieron un alboroto, que precisó á la autoridad á desembarcarme violentamente y á reducirme otra vez á estrecha prision.

Semejante incidente obstruyó mi llegada á Mejico desde principios de mes pasado, y el ha causado que aquel Gobierno ignorando sin duda lo ocurrido, haya separado del ejercito al General Filisola, ordenando : General Urrea, á quien se ha concedido el mando, la continuacion en sus operaciones ; en cuya consecuencia, se encuentra ya este General en el rio de las Nueces, segun las ultimas noticias. En vano algunos hombres previsivos y bien intencionados se han esforzado en hacer ver la necesidad de moderar las pasiones, y de mi marcha á Mejico como estaba acordado : la ecsaltacion se ha vigorizado con la vuelta del Ejercito Mejicano á Tejas, y he aqui la situacion que guardan hoy las cosas.

La continuacion de la guerra y sus desastres serán por consiguiente inevitables, si una mano poderosa no hace escuchar oportunamente la voz de la razon. Me parece pues que Vmd. es quien puede hacer tanto bien á la humanidad, interponiendo sus altos respetos, para que se lleve á cabo, los citados convenios, que por mi parte serán exactamente cumplidos. Cuando me preste á tratar con este Gobierno, estaba convencido ser innecesaria la continuacion de la guerra, por parte de Mejico. He adquirido exactas noticias de este Pais, que ignoraba hace cuatro meses. Bastante zeloso soy de los intereses de mi Patria, para no desearla lo que mejor le convenga. Dispuesto siempre á sacrificarme por su gloria y bien estar, no hubiera vacilado en preferir los tormentos ó la muerte antes de consentir en transacion alguna, si con aquella conducta resultase á Mejico ventaja. El convencimiento pleno, de que la presente cuestion es mas conveniente terminarla por medio de negociaciones politicas, es en fin lo que unicamente me ha decidido á convenir sinceramente en lo estipulado. De la misma manera hago á Vmd. esta franca declaracion.

Sirrase Vmd. pues favorecerme con igual confianza proporcioneme la satisfaccion de evitar males procsimos, y de contribuir á los bienes que me dicta mi corazon : entablemos mutuas relaciones, paraque esa nacion y la Mejicana estrechen su buena amistad, y puedan entrambos ocuparse amigablemente, en dar ser y estabilidad á un pueblo, que desea figurar en el mundo politico, y que con la proteccion de las dos naciones, alcanzará su objeto en pocos años.

Los Mejicanos son maguanimos cuando se les considera. Yo les patentizaré con pureza las razones de conveniencia y humanidad que ecsijen un paso noble y franco, y no dudo lo darán tanpronto como obre el convencimiento.

Por lo espuesto, se penetrará Vmd. de los sentimientos que me animan, con los mismos que tengo el honor de ser su muy adicto y obediente servidor.

ANTONIO LOPEZ DE SANTA ANNA.

E. S. General Presidente DON ANDRES JACKSON.



*The President of the Mexican Republic to the President of the United States.*

[TRANSLATION.]

COLUMBIA, (IN TEXAS,) July 4, 1836.

**MUCH ESTEEMED SIR:** In fulfilment of the duties which patriotism and honor impose upon a public man, I came to this country at the head of six thousand Mexicans. The chances of war, made inevitable by circumstances, reduced me to the condition of a prisoner, in which I still remain, as you may have already learned. The disposition evinced by General Samuel Houston, the commander-in-chief of the Texan army, and by his successor, General Thomas J. Rusk, for the termination of the war, the decision of the President and Cabinet of Texas in favor of a proper compromise between the contending parties, and my own conviction, produced the conventions of which I send you copies enclosed, and the orders given by me to General Filisola, my second in command, to retire from the river Brasos, where he was posted, to the other side of the river Bravo del Norte.

As there was no doubt that General Filisola would religiously comply, as far as concerned himself, the President and cabinet agreed that I should set off for Mexico, in order to fulfil the other engagements; and, with that intent, I embarked on board the schooner *Invincible*, which was to carry me to the port of Vera Cruz. Unfortunately, however, some indiscreet persons raised a mob, which obliged the authorities to have me landed by force and brought back into strict captivity. This incident has prevented me from going to Mexico, where I should otherwise have arrived early in last month; and, in consequence of it, the Government of that country, doubtless ignorant of what has occurred, has withdrawn the command of the army from General Filisola, and has ordered his successor, General Urrea, to continue its operations: in obedience to which order, that general is, according to the latest accounts, already at the river Nueces. In vain have some reflecting and worthy men endeavored to demonstrate the necessity of moderation, and of my going to Mexico according to the convention; but the excitement of the public mind has increased with the return of the Mexican army to Texas. Such is the state of things here at present. The continuation of the war, and of its disasters, is, therefore, inevitable, unless the voice of reason be heard in proper time from the mouth of some powerful individual. It appears to me that you, sir, have it in your power to perform this good office, by interfering in favor of the execution of the said convention, which shall be strictly fulfilled on my part. When I offered to treat with this Government, I was convinced that it was useless for Mexico to continue the war. I have acquired exact information respecting this country, which I did not possess four months ago. I have too much zeal for the interests of my country, to wish for any thing which is not compatible with them. Being always ready to sacrifice myself for its glory and advantage, I never would have hesitated to subject myself to torments or death, rather than consent to any compromise, if Mexico could thereby have obtained the slightest

benefit. I am firmly convinced that it is proper to terminate this question by political negotiation. That conviction alone determined me sincerely to agree to what has been stipulated; and, in the same spirit, I make to you this frank declaration. Be pleased, sir, to favor me by a like confidence on your part; afford me the satisfaction of avoiding approaching evils, and of contributing to that good which my heart advises. Let us enter into negotiations, by which the friendship between your nation and the Mexican may be strengthened, both being amicably engaged in giving being and stability to a people who are desirous of appearing in the political world, and who, under the protection of the two nations will attain its object within a few years.

The Mexicans are magnanimous when treated with consideration. I will clearly set before them the proper and humane reasons which require noble and frank conduct on their part, and I doubt not that they will act thus as soon as they have been convinced.

By what I have here submitted, you will see the sentiments which animate me, and with which I remain your most humble and obedient servant.

ANTONIO LOPEZ DE SANTA ANNA.

To his Excellency General ANDREW JACKSON,  
*President of the United States of America.*

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*The President of the United States to the President of the Mexican Republic.*

HERMITAGE, September 4, 1836.

SIR: I have the honor to acknowledge the receipt of your letter of the 4th of July last, which has been forwarded to me by General Samuel Houston, under cover of one from him, transmitted by an express from General Gaines, who is in command of the United States forces on the Texan frontier. The great object of these communications appears to be to put an end to the disasters which necessarily attend the civil war now raging in Texas, and asking the interposition of the United States in furthering so humane and desirable a purpose. That any well-intended effort of yours in aid of this object should have been defeated, is calculated to excite the regret of all who justly appreciate the blessings of peace, and who take an interest in the causes which contribute to the prosperity of Mexico in her domestic as well as her foreign relations.

The Government of the United States is ever anxious to cultivate peace and friendship with all nations, but it proceeds on the principle that all nations have the right to alter, amend, or change their own Government as the sovereign power (the people) may direct. In this respect, it never interferes with the policy of other Powers, nor can it permit any on the part of others with its internal policy. Consistently with this principle, whatever we can do to restore peace between contending nations, or remove the causes of misunderstanding, is cheerfully

at the service of those who are willing to rely upon our good offices as a friend or mediator.

In reference, however, to the agreement which you, as the representative of Mexico, have made with Texas, and which invites the interposition of the United States, you will at once see that we are forbidden by the character of the communications made to us through the Mexican minister, from considering it. That Government has notified us that, as long as you are a prisoner, no act of yours will be regarded as binding by the Mexican authorities. Under these circumstances, it will be manifest to you that good faith to Mexico, as well as the general principle to which I have adverted as forming the basis of our intercourse with all foreign Powers, make it impossible for me to take any step like that you have anticipated. If, however, Mexico should signify her willingness to avail herself of our good offices in bringing about the desirable result you have described, nothing could give me more pleasure than to devote my best services to it. To be instrumental in terminating the evils of civil war, and in substituting in their stead the blessings of peace, is a divine privilege. Every government and the people of all countries should feel it their highest happiness to enjoy an opportunity of thus manifesting their love of each other, and their interest in the general principles which apply to them all as members of the common family of man.

Your letter, and that of General Houston, commander-in-chief of the Texan army, will be made the basis of an early interview with the Mexican minister at Washington. They will hasten my return to Washington, to which place I will set out in a few days, expecting to reach it by the 1st of October. In the mean time, I hope Mexico and Texas, feeling that war is the greatest of calamities, will pause before another campaign is undertaken, and can add to the number of those scenes of bloodshed which have already marked the progress of their contest, and have given so much pain to their Christian friends throughout the world.

This is sent under cover to General Houston, who will give it a safe conveyance to you.

I am, very respectfully,

Your obedient servant,

ANDREW JACKSON.

To General ANTONIO LOPEZ DE SANTA ANNA.



## MEMORIAL

OF THE

HEIRS OF CARLOS DE VILEMONT,

*Praying the Confirmation of their Claim to a Tract of Land.*

JANUARY 20, 1837.

Referred to the Committee on Private Land Claims, and ordered to be printed.

*To the honorable the Senate and House of Representatives of the United States of America :*

The memorial of the undersigned, heirs and legal representatives of the late Carlos de Vilemont,

RESPECTFULLY SHEWETH :

That your memorialists pray for the confirmation of a grant of land for two leagues front on the Mississippi by one league in depth, at Point Chicot, in the State of Arkansas, made to the late Carlos de Vilemont, on the seventeenth of June, seventeen hundred and ninety-five, by the Baron de Carondelet, then the Governor of Louisiana.

For many years your memorialists have spared no efforts to obtain a decision of their claim ; but, in eighteen hundred and thirty, while their application was pending before your honorable houses, and still undisposed of, by far the greater part of the claim was sold as public land, notwithstanding their protest, and only about 4,000 acres were reserved from sale on account of it. Their rights to the portion so sold, however incontestable they might be, have thus become beset by new difficulties, which would involve them in endless strife and litigation ; they, therefore, respectfully propose to abandon their claim to that part which has been sold, on receiving other public lands for it, and the confirmation of their title to so much of the land originally granted as still remains unsold.

The purchasers of these lands, and many of their neighbors, having been informed of the disposition of your memorialists to modify their claim in the above-described manner, have addressed, on their part, a memorial to your honorable houses, earnestly joining in the prayer of your memorialists, and thus evincing their sense of its justice, and the interest felt by numerous citizens in its speedy decision.

The unexpected opposition which has been made to this claim, and the misrepresentations of which it has been the object, render it necessary for your memorialists to furnish copious proofs, which will remove all doubt of its justice.

[Gales & Seaton, print.]

This claim was first laid, in 1813, before Frederick Bates, then recorder of land titles at St. Louis, whose report was unfavorable to it, on the ground that the condition of settlement had not been complied with. After this period no land office in Missouri or Arkansas was authorized to take cognizance of a claim of this extent; and the acts of 1824 and 1828, which opened the courts of justice to claimants, restricted their jurisdiction to claims not exceeding a league square. Your memorialists, therefore, resorted to the only remedy left to them, and laid their claim before Congress, but though unremitting in their exertions, they never could obtain a final action on it, and in 1830 more than two-thirds of the claim was sold by the United States. On the 9th of July, 1832, however, an act was passed creating commissioners for the final adjudication of French and Spanish land claims in Missouri, by the 5th section of which your memorialists were specially authorized to submit their claim to the board at St. Louis, "to be reported and proceeded upon in the same manner as other claims provided for in this act."

The claim was accordingly submitted, and on the 3d of December, 1834, the board unanimously reported it for confirmation. Their general report, embracing this and many other claims, was sent to the General Land Office, and afterwards referred to a committee of your honorable Senate. In the mean time, H. F. Walworth and B. L. Miles, two persons who have taken possession of a part of the land still reserved from sale, addressed to your honorable houses a memorial remonstrating against the confirmation of the claim; which was ordered to be printed on the 17th of March, 1836.

The honorable committee having reported a bill providing for the confirmation of this and other claims, it was taken up on the 25th of March last, when several honorable Senators opposed this claim on the ground of the non-performance of its conditions. It appears from the printed debates, that this being the only claim to which objections were made, it was struck from the bill and reserved for further action, in order not to impede the settlement of the other claims.

Your memorialists now presume to hope that the final decision which by the 2d section of the act of July 9, 1832, was promised to them, will no longer be withheld.

Being thus compelled to defend their claim again before your honorable houses, your memorialists have collected and now submit testimony, which, they trust, will remove every objection.

The opposition to the claim is exclusively based on the condition contained in the grant, that a road and clearing shall be made within one year, and the land established within three years—in default of which it shall be null.

Your memorialists will show—

1. That Vilemont was, from 1794 to 1802, the commandant of Arkansas, and during that period neither did nor could absent himself from the post; that he indeed endeavored to procure agents to settle the land for him, but could not succeed, because hostile Indians rendered the country in the highest degree insecure, and made any settlement on the Mississippi between the mouth of the St. Francis and of the Yazoo, impossible; that he attempted a settlement in 1803, and that from 1807 to the present moment, excepting only the years 1820 and 1821, the land has

been constantly occupied either by Vilemont's agents or by himself and his family, who still reside on the land.

2. That the above-mentioned conditions, which were inserted in almost every order of survey for lands intended for cultivation, were, notwithstanding their positive terms, mere matter of form, and not insisted upon by the Spanish Government. It will be seen that this is a truth of which no person having the slightest acquaintance with the subject can entertain a doubt. It was acknowledged by the Government by and ever since the act of the 12th of April, 1814, and has since been acted upon by all the boards of commissioners created for the investigation of Spanish titles. Many hundreds of claims, containing that clause, have been confirmed without proof of cultivation, and a glance at the reports submitted of late years to your honorable houses will probably show that none was ever reported against on that ground.

3. Your memorialists feel, though reluctantly, under the necessity to reply to the memorial of H. F. Walworth and B. L. Miles, printed by order of the Senate on March 11, 1836. It betrays an utter ignorance of the best-established principles applicable to Spanish land claims. Thus far it could certainly not mislead your honorable houses, and would neither require nor deserve an answer. But it also contains, on other matters, within the immediate knowledge of the said memorialists, a tissue of misrepresentations, which, although unsupported by any proof, might still, from constant repetition and confident assertion, acquire an air of probability. Your memorialists are apprized that the said Walworth and Miles constantly attend in Washington city during the sessions of Congress, and omit no opportunity to press their version of this subject upon the attention of honorable members. Your memorialists cannot but believe, upon the authority of several honorable members of Congress, that this is the principal difficulty they have to contend with, and that it would be dangerous to leave those unfounded statements without contradiction. They are prepared to meet every assertion by positive proof, and they hope to make it clear that the settlement upon which the said Walworth and Miles rest their pretensions to defeat the claim, was a deliberate attempt, commenced and persevered in with a full knowledge of the rights of your memorialists, to deprive them of their property. Your memorialists have annexed a copy of the memorial of the said Walworth and Miles, both for a fuller understanding of the controversy and because it contains documents necessary to be referred to, and affidavits, which are in glaring contradiction with its assertions, and only strengthen the cause of your memorialists.

1. The proof constantly recurs throughout the annexed evidence, that Vilemont was the civil and military commandant of Arkansas from 1794 to 1802. Soon after he obtained the grant, in 1795, he proposed to Joseph Bogy to settle the tract for him, but Bogy declined, on account of the danger to be apprehended from the Indians. This danger is represented in the same manner by Francois Vaugine. Their affidavits will be found in page 8 of Walworth and Miles's memorial.

John W. Hunt, who, in 1807, lived in Vilemont's house, at the post of Arkansas, as a workman, was repeatedly invited by him to settle on this land. His affidavit, which, as well as the other annexed documents, has been numbered for the sake of ready reference, will be found under

No. 1. He says that he refused to go there, being afraid of the Indians in that quarter. Hinton (No. 2) says that, even after 1809, the Indians were frequently at the point, and it was considered unsafe to settle there, and he believes that one Lefebvre, whom Vilemont had sent there, (No. 1, 2, 9, 10, 19,) could venture to do so only because he had an Indian wife.

In 1829, Mr. Isaac T. Preston, then register of the land office at New Orleans, was sent by the President of the United States to Arkansas, to investigate certain well-known fraudulent land claims. His inquiries into the former state of that country soon convinced him that the many old settlements, proved up before the district court, never had existed, that the country was uninhabited, and in great measure uninhabitable except in the vicinity of the fort. He then had a conversation with the late Sylvanus Phillips, one of the oldest and most intelligent inhabitants of Arkansas, of which he took a memorandum, still in his possession. From this he has prepared, at the request of your memorialists, a statement, (No. 4.) Speaking of Phillips, Mr. Preston says: "He informed me that he settled at the mouth of the St. Francis river about the year 1797; that there was then great danger to the settlers from the incursions of the Indians; that, for the security of all, the commandant confined the settlers as much as possible to the neighborhood of the established posts. He further informed me that, as late as the year 1799, he himself, was ordered in by the commandant from the mouth of the St. Francis river to the post of Arkansas on account of the common danger."

Your memorialists are moreover enabled to submit authentic and contemporaneous proof of the condition of Arkansas from 1794 to 1802, which would have rendered an agricultural establishment at Point Chicot not a matter of hazard only, but of absolute impossibility. They have lately examined Vilemont's remaining papers, and found in them the letter-book of his official correspondence with the Governors of Louisiana, extending during the whole time he was commandant, from July 12, 1794, to June 27, 1802. The Spanish commandants were required to keep such a book, and to number each letter, (see Bouligny's affidavit, No. 3) and in this book the letters are numbered from 1 to 122 without interruption. Your memorialists also submit a number of letters from the Governors of Louisiana, in answer to Vilemont's communications: five of them are from Governor Carondelet, of 1796 and 1797; two from Gayoso de Lemos, of 1796, when he was Governor of Natchez, and of 1799, when he had succeeded Carondelet. Another letter of 1803, is from Franco. Caso y Luengo, who succeeded Vilemont as commandant of Arkansas. These documents are accompanied by translations of the most material parts.

This correspondence furnishes a distinct picture of Spanish Arkansas, which may be summed up in a few words. The insignificant agricultural establishments were confined to the immediate vicinity of Fort St. Stephen, where they enjoyed the protection of the troops. With the exception of a few merchants, (fur traders,) the inhabitants were all hunters. The country was a scene of perpetual warfare between different nations of Indians, and the inhabitants are represented as being in constant terror of them. At one time the Choctaws threatened to come strong to attack the Spaniards, and destroy the villages of the Arkansas



their allies; and Vilemont wrote to the neighboring commandants for assistance. He frequently complains of the defenceless state of the fort. In his 36th letter he describes the palisades as rotten and falling before the least wind, and the three cannons and the seven swivel-guns as perfectly unserviceable, with the exception of one of the latter. Carondelet promises to increase his garrison to 40 men, to build a substantial fort, and to send him several pieces of artillery. "This [he writes on the 17th of February, 1797] will enable you to give the law to the Indians instead of receiving it from them." But it is clear, from Vilemont's correspondence, in which there is no gap, that this promised succor never arrived. Frequent instances are mentioned of hunters having been killed by the Indians, and their depredations upon the inhabitants were unceasing, and a constant source of complaints. On the 17th of February, 1800, Vilemont writes to the Governor: "The inhabitants who cultivate the land are continually exposed to ruin by these nations; they can save neither what they grow in the ground nor the provisions in their houses; the Indians steal their horses and kill their cattle and hogs." In return the Governors give promises and orders, but they produced no effect, and the Government, aware of its weakness, sought its security principally in the distribution of presents and liberalities among and treaties with some of the Indians.

On the 12th of September, 1796, Carondelet writes that, since a treaty of limits and navigation has been made with the United States, many Catholics established in them will no doubt come to Louisiana. "Thus (he says) your post will have nothing more to fear from the Indians."

It is well known that Carondelet was disappointed in this and many other expectations he had formed on the supposed disaffection of the people of the West. Unquestionably Vilemont, when he petitioned for, and Carondelet, when he granted the land, supposed and hoped that this disastrous state of the country would give way to a better order of things, without which the grant would indeed have been valueless, but while Louisiana remained under the dominion of Spain, matters grew only worse. On the 10th of November, 1803, the commandant Caso y Luen-go, Vilemont's successor, writes to him from Arkansas that he is in great embarrassment from the want of means to oppose the insolence of the Indians, who became daily more intolerable; that there had been two alarms, when he was obliged to have the cannons loaded; that Pery, a Chickasaw half-breed, (mentioned in Vilemont's 117th letter,) had come to the fort painted and drunk, with his rifle, on purpose to kill him; that the Osages intercepted and robbed the hunters, &c.

This abstract, which it would have been useless to extend farther, can leave but little doubt what fate would have awaited the adventurer who would have dared to settle at Point Chicot, probably more than 100 miles distant from the nearest white settlement. Both the witnesses of your memorialists and those of their opponents state that, even after the cession, there was no settlement on the river, from the mouth of the St. Francis to the mouth of the Yazoo. A Government that experienced such difficulty in maintaining itself in a fortified post, would not have sent a grantee to certain ruin and almost certain death, under penalty of forfeiture; and least of all would this have been exacted of the commandant of Arkansas himself, whose duty it was to reside at the fort. This correspondence is a faithful record of the dreary and dangerous life Vile-

mont necessarily led, of the arduous duties he had to fulfil, and fulfilled as appears by Carondelet's and Gayozo's letters, to the entire satisfaction of the Government.

The series of 122 letters, all dated and numbered, and continuing during eight years, shows that Vilemont never left his post during the whole time he held the office of commandant, and this is also sworn to by Bouligny. He was the only officer at the post; the precarious fate of the nascent colony was placed in his hands alone; and, assuredly, the Government would not have required or even tolerated that he should go to Point Chicot to open a farm and make roads and levees. (No. 3.) He can certainly not be assimilated to a neglectful grantee who, by abandoning the country or following other private pursuits, would prove that the grant had been unworthily or unnecessarily bestowed. The friendship and regard the Governors express for him in their letters, their satisfaction with his services, are a sufficient assurance that he could have obtained an extension of time for settling the land, but he well knew that such an application was as unusual as unnecessary, and that he had nothing to fear for his grant. After his recall from Arkansas, his services were rewarded by promotion to the rank of lieutenant colonel; and can it be supposed that, because his duties required his constant presence at the post, and demanded and obtained his undivided attention, his grant should be confiscated, the only one he ever obtained, the only substantial remuneration he received from the Government for thirty-three years of public services? (No. 3.)

The colonial population of Arkansas consisted, in 1785, of 196 individuals; in 1803, including persons of all ages, sexes, and colors, of 368, (2 Martin's History of Louisiana, pages 77 and 205.) It is not astonishing that such a colony, remote from succor, had great difficulty in contending against overwhelming numbers of Indians, and collected round the only defensible point in the Territory.

It is respectfully submitted that, under such circumstances, even a Government whose habitual policy would have required a strict compliance with the conditions of grants, would have relieved the grantee and excused him from their performance; and it will presently be shown that the Spanish Government always acknowledged and confirmed grants worded like Vilemont's, although the want of settlement had not been accounted for.

II. Nothing would be easier than to accumulate proof that the conditions contained in Vilemont's grant were inserted, word for word, in nearly all the orders of survey for lands granted for the purpose of cultivation; that they were mere matters of form, and not insisted on by the Government; and that such orders of survey were considered as vesting the property, even without the required settlement, and were thus treated and respected by the Government. It is believed that no old inhabitant of the province of Louisiana, who had occasion to observe the action of its Government, principally in relation to the public domain, would hesitate to state this opinion under oath. But this is a subject which has undergone the investigation of many boards of commissioners, and frequently been acted upon by Congress. It will, therefore, suffice to call the attention of your honorable houses to their own former decisions, and for this purpose your memorialists have annexed certificates by Mr.

R. J. Taylor, the register of the land office at Opelousas, and by Messrs. Isaac T. Preston and H. B. Cenas, both formerly registers of the land office at New Orleans. (Nos. 4, 5, and 6.) The statements of these gentlemen, whose great respectability and thorough acquaintance with this subject are well known to not a few members of your honorable houses and officers of the Government, make it clear that the condition to make roads and levees and to cultivate the land within three years, were very generally inserted in Spanish orders of survey; that, however, notwithstanding their positive terms, they were mere matters of form, and that the Spanish Government did not annul the grants on account of their non-performance, or require proof of a compliance with them, when application was made for a complete title; that such orders of survey were, under the Spanish Government, considered as vesting the property, and that, therefore, in a great many instances, the inhabitants contented themselves with such titles; that, such having been the usages and customs of the Spanish Government, the different boards of commissioners since the act of April 12, 1814, always recommended claims founded upon such orders of survey for confirmation, without requiring proof of the performance of the conditions, and that they have uniformly been confirmed by Congress.

The fullest proof of these assertions is to be found in numerous reports made by the land offices to Congress, and in the acts of Congress confirming them. Your memorialists shall mention but one instance more particularly. Under No. 7 will be found an extract from the report made by the register and receiver of the land office at Opelousas as early as December 30, 1815, in which this very question is discussed. It will be seen that they reported all orders of survey for confirmation, whether the condition of settlement contained in them had been complied with or not; and they give, as their principal reason, that these conditions were not insisted on by the Spanish Government. These claims have been confirmed by an act of Congress of February 5, 1825. The same course has been adopted in relation to such claims in the eastern district of Louisiana; and your memorialists affirm, with entire confidence, that, since 1815 there has not been one departure from that rule in those two districts; and not one of the exceedingly numerous claims based upon simple orders of survey, conditioned like Vilemont's, has failed to be confirmed by Congress on the ground that those conditions had not been performed.

Your memorialists refer to these Louisiana decisions because they are best known and most accessible; and it is unquestionably true that, in Louisiana, the opportunities for ascertaining the usages and customs of the Spanish Government, possessed by the boards of commissioners, were most abundant, and the number of claims of all descriptions offered for confirmation, most considerable. It is apparent, from the favorable report made by the board at St. Louis, created by the act of July 9, 1832, on the Vilemont claim, that they were governed by the same principles. Although no communication exists between the different land offices established through that part of the United States which formerly was subject to the Government of Spain, still they all centre in the General Land Office, under whose instructions they act, and which certainly maintains a uniformity of principles in their decisions. Your memorial-

ists feel, therefore, authorized to conclude that none of those land offices could have made an unfavorable report on their claim, and that the confirmation of no claim similar to theirs has been refused since the act of April 12, 1814.

The commissioners of the land offices were directed to report for confirmation such incomplete titles as, according to the usages and customs of the Spanish Government, would have been completed if Louisiana had remained under the dominion of Spain. This injunction has produced the above-mentioned numerous precedents of uniform legislation, which your memorialists feel assured will not be departed from in their case. But your memorialists place their reliance not only on precedents and on the usages and customs of the Spanish Government, but on positive law.

The first section of the act of April 12, 1814, (Land Laws, p. 651,) a leading one on the subject, minutely enumerates all the requisites which incomplete title ought to contain to be entitled to confirmation. They are all founded in the Vilemont claim. Your memorialists, fearing to extend this memorial beyond proper bounds, forbear transcribing this long section, and they beg leave to refer to it as completely justifying their assertion. But, by a proviso of this section, no claim shall be considered as confirmed by it for more than one league square, and to that extent, at least, the Vilemont claim was fully protected by the section. The restriction to a league square was founded upon the belief that the Spanish Governors were not authorized to make larger grants. Further experience has shown that this belief was erroneous, (Peters's Reports, vol. 6, p. 728, vol. 8, p. 459, vol. 9, pp. 118, 760.) Accordingly, in all the late acts of Congress referring Spanish claims to the adjudication of commissioners, this limitation has been abandoned, and many larger grants have been confirmed. It is more particularly not to be found in the act of July 9, 1832, creating the board to which this claim was referred. They have accordingly made a favorable report on claims exceeding that quantity, which have been confirmed.

It is moreover highly probable that this claim is already confirmed for a league square by the said section, which confirms all claims *embraced in the report of the recorder*, (whether the report was favorable or not,) having certain requisites, and it cannot be disputed that this claim contained them. The precise time when the claim was filed your memorialists do not know, but it was already before the recorder on October 4, 1813, for, on that day, witnesses were examined by him in support of it. See W. and M.'s memorial, p. 8.

The habit of commissioners to report before the next ensuing session of Congress, renders it probable that it was included in the report alluded to in the section of the act of April 12, 1814, though of this fact your memorialists have no certain means of judging, because the only copy of the report on their claim in their possession is that printed on page 10 of Walworth and Miles's memorial, which is not dated. If, however, that report was made only after the act of April 12, 1814, it furnishes a striking proof of the hardship of the case of your memorialists, that, owing to the neglect of the recorder to report promptly, their rights should have remained in abeyance until now, for, since that time, and until the act of July 9, 1832, no board of commissioners or court of justice in

Missouri or Arkansas was authorized to take cognizance of a claim exceeding a league square.

If the recorder, indeed, made his report after the act of 1814, he certainly should have taken the principles of that act for his guide. His brief report is in these words: "Not confirmed; conditions not complied with." That act very clearly shows what incomplete claims were valid in the opinion of Congress; the requisites they ought to unite are fully stated, but no mention is made and no inquiries are directed into the conditions inserted in the grants, and it is not likely that it had escaped the attention of Congress that the great majority of orders of survey contained the condition of settlement. If the recorder did not think the proof of danger from the Indians sufficient, or was uninformed, as he clearly was, of the usages and customs of the Spanish Government, he ought, at least, to have been satisfied with the requisites with which Congress contented themselves. The reasoning of the Supreme Court of the United States in the case of the *United States vs. Sibbald*, (10 Peters's Reports, 322,) which was the case of an incomplete grant of 16,000 acres, finds an appropriate place in this discussion.

The court says: "The objections to the claim relied on here, were—  
1st. That the grant was on a condition precedent, which was not begun to be performed until the grant became forfeited by the order of the Governor, made the 29th of October, 1818, declaring all grants made in consideration of mechanical improvements to be made, to be void, if the conditions were not performed in six months. It is unnecessary to decide on the effect of this order, or whether, by the acts which authorize the courts of Missouri and Florida to decide on claims to lands therein, Congress intended to assert a right by forfeiture, for condition broken, to lands which had been once legally granted. The evidence in this and the other cases which have been decided is very full and clear that no grant has ever been annulled or revoked by the Spanish authorities for any cause, and that there is no instance of a Governor having granted land which had been before granted on condition; and it may well be doubted whether it would have been reannexed to the royal domain, had the province remained under the dominion of Spain; nor is there any provision of any law of Congress which specially requires the court to inquire into the performance of conditions on which grants were made."

In concluding this subject, your memorialists presume to state that this claim is completely sustained by other late decisions of the Supreme Court of the United States, which are too well known to need a special reference.

III. Your memorialists beg leave to reply to the memorial of Walworth and Miles—a task which the preceding parts of this memorial have probably rendered unnecessary, but which, to their regret, they cannot decline, because, at their distance from the seat of Government, they find it difficult to judge whether information on other subjects may not still be required.

To show the reasonableness and justice of their opposition to the claim, Walworth and Miles say that they and other citizens, many years ago, encouraged by the pre-emption laws of the United States, believing that the title to this land had passed to the United States, and finding it unoccupied and (as far as they had any opportunity of knowing) unclaim-

ed, made their settlements and improvements thereon, &c. They proceed to say that now an old State claim is set up to the land.

It ought to be observed that H. F. Walworth and B. L. Miles alone, and no other citizens, are interested in defeating the claim to the land which still has been reserved from sale.

The claim was already filed in 1813 for confirmation, (page 8 of Walworth and Miles's memorial,) and since has not ceased to be urged before commissioners or before Congress.

Not one of their own witnesses says that the land was considered public; but one of them, Gabriel Winter, (page 7 of Walworth and Miles's memorial,) shows that he knew the claim and the land perfectly before the cession of Louisiana. All the numerous witnesses produced by your memorialists testify that nothing was more notorious from the earliest times; that nobody knew it better than the said Walworth and Miles, and that those very individuals who had wrongfully taken possession of portions of the land, in common with the rest of the people of the neighborhood, believed that it would ultimately be confirmed.

They say they found the land unoccupied, and on the 6th page of their memorial they produce the affidavit of Isaac Moore, who states that his father settled there in 1811 as the agent of Don Carlos de Vilemont, and remained there until 1819, (when he died.)

Peirre Choteau, sen., states that, in 1802, he understood that de Vilemont had sent somebody on the land, (Walworth and Miles's memorial, page 9,) and in 1803 he was on the land, saw Vilemont's agent, and obtained provisions from him. This improvement was inconsiderable and not followed up. In 1807, Vilemont endeavored to induce John W. Hunt to go on the land, (No. 1,) but Hunt was afraid of the Indians; he succeeded however better with Malbrouc, Hutsell, and Lefebvre, the latter of whom set up a little store under his patronage, (Nos. 1, 2, 9, 10, and 19.) Whether they settled the land with his permission or as his agents is immaterial; they certainly had possession for Vilemont. In 1809, Vilemont was himself a considerable time at Point Chicot, (No. 16.) The Indians were then still frequently at the point, and it was considered unsafe to settle there, (Hinton, No. 2.) Vilemont probably found such a residence unsuitable for his wife and family of small children, for he returned to the post of Arkansas, and sent Moore as his agent, who remained there until his death in 1819, (No. 9, 19,) during which time Hutsell, Malbrouc, and Lefebvre moved away, (No. 19.) In 1820 and 1821, Vilemont had no representative on the land, and during this period, Hugh White and one Ferguson made those settlements which are now relied on to defeat the claim, (No. 9, 19.) In 1822 Vilemont arrived, and since then he or his family have not left the land and have had no other home, (Nos. 9, 11, 14, 19.) He found there unexpected and unwelcome neighbors; but the laws then and now in force in Arkansas gave him no action of ejectment under his unconfirmed order of survey for two square leagues, (see section 3d, of the act of the Legislature of the Missouri Territory, approved on January 23, 1816,) and he was not permitted to have his claim surveyed: his only hope, therefore, was to obtain a speedy decision of his claim, which he was then prosecuting with all the means in his power. He died in 1824, and it may well be said that since the cession of Louisiana,

the settlement of this claim was the principal business of his life. After his death, his widow and his eight mostly small children could but suffer in silence, and constantly renew their application for a hearing from Congress. Their unenviable situation may well be imagined: closed in by reckless intruders, whose language they hardly understood, and whose encroachments they had no means of resisting; and it would be adding insult to injury now to reproach them with their inability to repel these lawless invasions of their property. It will be soon made apparent that Hugh White and Ferguson never fancied that they could hold on to the land or defeat the claim, (Nos. 9, 11, 12, 19;) that was left for H. F. Walworth, their more ingenious successor, who went on the land in 1828.

Enough has probably been said to show how completely untrue Walworth and Miles's assertion is, that they found the land unoccupied, and, as far as they had any opportunity of knowing, unclaimed.

Another circumstance, showing the notoriety of the claim, will be mentioned. In 1824, the county seat of Chicot county was established at Point Chicot, and called "Vilemont," (No. 8.) Under this name it appears on all the maps made since 1824, and before 1832, when it was transferred to Columbia, principally on account of the claim, the people thinking that it must be confirmed. (Nos. 12 and 15.)

Walworth and Miles say that the grant is indefinite. It appears by the testimony of all the witnesses that they never had any doubt about its location, and Walworth and Miles never pretended to have any until they wrote the memorial. The recorder of land titles who first reported against the claim, "because its conditions had not been complied with," acknowledged that it had a special location. (See Walworth and Miles's memorial, page 10.) The grant is in its terms entirely similar to most Spanish orders of survey on water-courses, the front, the depth, and the upper line are given, and nothing is better known and better established by a thousand precedents than the manner in which the front and side lines of such claims are to be run. Spanish orders of survey never did indicate the bearing of the lines; they frequently mentioned the neighboring settlements, but there were none in this case.

"This claim," Walworth and Miles further say, "has now been set up by certain speculators or purchasers of the said pretended title, to defeat the just rights of the memorialists and the public."

It thus appears that they wish to insinuate (and your memorialists are informed that this is not the first attempt of the kind) that the Vilemonts have no longer any interest in the claim. It is, however, shown by the power of attorney given by them on the 29th of July, 1835, to the person who will sign this memorial in their name, (No. 20,) that they still own a large portion of it; and they, indeed, prosecute it with the earnestness of persons who have their all at stake. From the recitals in the said instrument, it also appears that De Vilemont sold already, in 1811, one-half of it to your memorialist, Charles Tessier, who, in 1815, transferred one-half of his purchase to the late John Mercier. Mercier's heirs, as well as the said Tessier himself, offered to sell their shares, and found a purchaser in Mr. R. J. Walker, of Mississippi; as, however, the sale is conditional, they are still interested in the success of the claim. This sale was made in 1833; but the purchaser, now an honorable Senator of the United States, wishing to avoid whatever could interfere

with his legislative duties, has since conveyed all his interest to the person already previously employed by all the parties connected with the claim as their counsel and agent, and has no longer the most remote interest in its result.

Your memorialists are at a loss to conceive, and do not deem it respectful to discuss, how the circumstance that Vilemont sold a part of his claim can affect its justice or success. Your memorialists believe that they can make no more appropriate reply to this officious and unwarranted interference in the contracts existing between them, than by bringing to light the origin of Walworth and Miles's settlements of their speculation, and by showing that they were commenced and persevered in in bad faith, and with a deliberate design of depriving your memorialists of their property.

Miles first arrived at Point Chicot about 1816 or 1817, (No. 9.) He found there Royal Bills, who was perfectly aware of the claim; and Amos Moore, Malbrouc, Lefebvre, and Hutsell, who were there with Vilemont's permission, or as his agents. Elijah Bunch, at first desirous to purchase Royal Bills's improvement, finally declined on account of the Vilemont claim; Miles, however, though also afraid of the claim, bought Bills's improvement, most probably for a trifle. He was then engaged in rafting, (No. 9,) and land could not have been of much consequence to him. In 1826 or 1827, he bought his first negroes; since then he has always made good crops, and, by an industry which would be extremely laudable if it had not been exercised at the expense of the lawful owners of the land, has grown rich, (Nos. 9, 11, 19.) In 1830 all the surrounding land was sold, and this reserved for the claim, but he neglected this additional warning, and went on improving. In 1832 an act of Congress referred the claim to commissioners at St. Louis; Miles went there to defeat it, but still proceeded with his improvements. It is useless to pretend that, under such circumstances, his improvements can give him any right which he had not before: what he did, his tortuous possession prevented your memorialists from doing, and the land which he has cleared has yielded him an abundant return for his pains.

These remarks apply but with still greater truth to H. F. Walworth. He arrived at Point Chicot and bought White's improvement, who sold only because he was of opinion that the claim would be confirmed. This is stated by White's son, (No. 12,) and corroborated by other witnesses, (Nos. 11, 19.) But, better than any testimonial proof, is the deed of sale itself. (No. 13.) White warrants "except as against the United States and the Spanish claim of Don Carlos de Vilemont." This deed recites that White obtained the east part of the improvement from Joe Hutsell. This Joe Hutsell settled on the land with Vilemont's permission, (Nos. 1, 2, 9, 10, 19;) and if he had afterwards attempted to sell it, it would have been clear fraud. But such a sale is nowhere to be found, nor have your memorialists ever heard of its existence. White took probably possession of the improvement when Hutsell went away, not fancying that he had left any property behind.

White further states that he bought the west part of the improvement from Joseph Bogy; and there is indeed a sale from Bogy to White on record, of two acres front by eighty in depth, of September 16, 1826, (No. 14,) in which Bogy says that he had obtained the land from Vile-



mont, and it is described as being bounded by the land belonging to the estate of C. de Vilemont. Your memorialists know of no gift or sale from Vilemont to Bogy; but, if there was, then Walworth's only title to any part of the land would be under the Vilemont claim.

Another portion of land, also, in Walworth's possession, was first settled by Malbrouc and Lefebvre, with Vilemont's permission, (Nos. 1, 2, 9, 10, 19.) They went away, and your memorialists have not even heard it pretended that they had sold to any body, (No. 9.) After Moore the agent's death, in 1819, and before Vilemont's arrival in 1822, one Ferguson went on this tract without any unnecessary formalities, (No. 9.) During his temporary absence, Andrew Latting had this improvement seized as Ferguson's property, and bought it in for much less than \$100, (Nos. 9, 19.) After Latting's death in 1832, his administrator sold it to Jones and Mitchell & Co., who resisted payment on the ground of want of title. The suit brought to enforce it is still pending; but, in 1835, A. H. Davis, the liquidating partner of the firm of Mitchell & Co., put Walworth in his place, who refunded to him \$150 Davis had paid for counsel fees, &c.; and this is all Walworth ever paid for it. The suit continues pending, and thus Walworth declines paying on account of want of title in his vendors, and at the same time opposes their pretended title to your memorialists, (Nos. 15, 19.)

It further appears by recorded documents, and by the affidavit of Henry Baker himself, (Nos. 16, 17, 18,) that he was employed in 1832, by John C. Jones, to make an improvement for him, within what they both knew to be the unsold portion of the Vilemont grant. He did so, and after he had delivered it to Jones's heirs, he sold the improvement to Walworth, the latter undertaking to prove it up and pay him well for it. It ought to be observed that this man, thus used as a tool, is the only witness who contradicts the evidence of your memorialists, (see W. and M.'s memorial, page 5.)

Still another improvement, made by Samuel Parker, was bought by Walworth only in July, 1836, without warranty and without any recourse upon Parker, who well knew that he was on the Vilemont land, (Nos. 9, 15.)

Walworth has not thought proper to place any of these sales on record, but your memorialists have established them by incontestable depositions.

At that cheap rate Walworth has gathered the fragments of settlements scattered on Point Chicot into a fine plantation. When every settler abandoned it as a hopeless task to contest the claim, and while your honorable houses were providing for its settlement, Walworth went on buying, which would show great confidence in his pretensions, if one year's delay and one crop did not much more than cover all his outlays.

The small place which the Vilemonts occupy is separated on one side from that which Walworth bought from White by a lane only, and on the lower side also by a lane only from the place Walworth acquired from Latting's estate, (No. 9, &c.) Walworth's house is not 300 yards from that of the Vilemonts; and, in a memorial solemnly addressed to the Legislature of the nation, he says that "he found the land unoccupied, and, as far as he had any opportunity of knowing, unclaimed."

These facts are submitted without comment. Your honorable houses

will decide whether such speculations on the delays which frequently attend the decision of Spanish claims by Congress deserve their support. Assuredly it requires Walworth's constant presence in Washington city to prop up such a case.

IV. In the fall of 1830, by far the greatest part of the claim was offered for sale as public land, and all this portion has long since been purchased on account of the superior quality of the land. Only that part of Point Chicot which lies east of 5th principal meridian line, including upwards of 4,000 acres, has been reserved from sale, as appears from the sketch, (No. 21,) certified by the register of the land office.

This sale was clearly illegal, for the claim was already filed in October, 1813, it not earlier, (see W. and M.'s memorial, page 8,) and had never been acted upon by Congress; and by the 10th section of the act of March 3, 1811, (Land Laws, 591,) which relates principally to the sale of public lands, it is provided that "till after the *decision of Congress thereon*, no tract of land shall be offered for sale, the claim to which has been in due time, and according to law, presented to the recorder of land titles in the district of Louisiana, and filed in his office, for the purpose of being investigated by the commissioners appointed for ascertaining the rights of persons claiming lands in that Territory." This disposition of the law has ever since been and is still in force. Your memorialists beg leave to refer to a late instance, when it was acted upon in relation to General Hampton's Houma claim, as appears from the certified copy (No. 22) of the letter of the Commissioner of the General Land Office, dated 17th of June, 1836, and addressed to the register of the land office at New Orleans.

Moreover, on the 28th of January, 1826, William Russell, of St. Louis, acting as the agent of the claimants, filed with the register at Little Rock a certificate of the recorder of land titles, showing that this claim had been regularly recorded and filed, for which he took the register's receipt.

Again, when the sale was advertised, William Russell filed in the same land office a *caveat*, dated the 26th of August, 1830. In this the register was reminded of the certificate that had been filed in 1826, and of his receipt for it; it was stated that, by the act of March 3, 1811, the sale was unauthorized; that, by the very terms of the President's proclamation, those lands in the advertised townships were to be excepted from sale which were "reserved by law for the use of schools and for other purposes," and the boundaries of the claim, and every section and fractional section included between them were minutely described.

The affidavits necessary to establish the measures taken by William Russell, and the register's receipt, have not yet been received by your memorialists, but they will probably reach Washington city in due time.

But this caveat, though it deprives the register of all excuse, was supererogatory, for the act of March 3, 1811, sufficiently indicated his line of conduct. That the general notoriety of this claim did not fail to reach him; that he was fully aware of it; is shown by the very fact that he reserved more than 4,000 acres from sale on account of it. But, while thus acknowledging that it was his duty not to sell the land embraced in the claim, he set aside only 4,000 acres for a claim of two leagues front by one in depth, which could not possibly include less than two superficial square leagues, and he assumed the meridian line as its

boundary, for which choice there is accordingly no other reason, except possibly the singular and revolting one of its convenience. This conduct of the register can only be qualified as most arbitrary and oppressive. While your memorialists were struggling with all the means the law gave them to obtain a decision, they were condemned unheard by an authorized officer, and their property was torn from them.

But the lands which have been so sold have greatly increased in value, have in many instances changed hands, have been improved, and are now in the possession of many individuals. If your memorialists were to claim them, it would bring ruin upon many innocent purchasers; they would have to pay for improvements at a high valuation, and would be involved in numerous and harassing law suits with their neighbors, with whom they wish to live in peace. The original purchasers (and Walworth and Miles as among them to a considerable extent) had at least the authority of an officer of the Government for believing the land public property; most of them did probably not presume that he was either ignorant of or exceeded his duty. Your memorialists therefore respectfully propose to abandon their claim to the land which has been sold, on receiving permission to locate an equal number of acres in quarter sections on other public lands, which have not yet been offered for sale. This heavy sacrifice has become desirable for the peace of many individuals, but it is the result of an error of the officer of the Government. If, therefore, your memorialists are to be the sufferers by this error, your honorable houses will probably consider it just to grant them the requested compensation. The proposed mode is the only one in which they can obtain a real though very inadequate indemnity, for it is well known that the lands they abandon are of the very first quality, and that with the most unlimited right of choice, they cannot find in Arkansas public lands of half their value.

If it be considered that this grant was the only reward Vilemont ever obtained from his Government for long, faithful, and important public services; that the situation of the country rendered its settlement impossible, and that, if it had been possible, Vilemont's public duties forbade it; that the Spanish Government would unquestionably and unhesitatingly have acknowledged and perfected the title; that the condition of settlement in orders of survey was truly mere matters of form and never insisted upon by that Government; that this claim is of the description of those which, under the first section of the act of April 12, 1814, have always been confirmed; that since that act all boards of commissioners have recommended such claims for confirmation, and that they have uniformly been confirmed; that no claim similar to this, which is in the most common form, has ever been rejected; that your memorialists have at the earliest possible moment taken possession of the land and have retained it to this moment, and that for nearly a quarter of a century they have been unceasing applicants for that measure of justice which has been awarded to thousands of their fellow-citizens; they confidently hope that your honorable houses will not refuse their respectful prayer.

S. NEELY.

J. J. MERCIER.

LOUIS CAIRE.

Pr. pro. CATHERINE DE VILEMONT.

URSIN DE VILEMONT.

PEDRO DE VILEMONT.

CARLOS DE VILEMONT.

LOUIS DE VILEMONT.  
 ZOE DE VILEMONT.  
 JAMES BLAINE.  
 CHARLES TESSIER.  
 G. W. FEREBEE.

LS. JANIN.

No. 1.

STATE OF ARKANSAS, *county of Phillips :*

I, John W. Hunt, of said county, do hereby certify on oath that I came to the now State of Arkansas in the year of our Lord one thousand eight hundred and one, and have resided here ever since ; that I first became acquainted with the late Spanish commandant of the post of Arkansas, Don Carrol de Vilemont, at the post of Arkansas, in the year one thousand eight hundred and seven, and then heard him and others speak of his grant at Point Chicot. It was already a fact notorious in the county that he possessed such a grant of land, and he more than once tried to get me to go there and live on it ; but having a young family, and being afraid of the Indians in that quarter, I declined going there ; but he did about the same time get two Frenchmen to go there to live, one of whose names was Mabrow or Molbrough—the name of the other not recollected ; that this affiant lived about the house of the said commandant as a workman ; and although the time since has been long, cannot be mistaken in any of the foregoing particulars.

JOHN W. HUNT, his x mark.

Sworn to and subscribed before me, a justice of the peace, this 16th September, 1836.

JOHN R. SANFORD.

PHILLIPS COUNTY, A. T.

No. 2.

STATE OF ARKANSAS, *county of Chicot :*

This day personally appeared before me, the undersigned, justice of the peace in and for said county, Jeremiah P. Hinton, of Bullitt county, State of Kentucky, who, being duly sworn according to law, deposeth and saith that he has been in the habit of navigating the Ohio and Mississippi rivers since the year A. D. 1809 ; that, in the year 1809, he descended the Mississippi river with a flatboat, and landed at what is now commonly called Point Chicot ; that, whilst lying to there with his boat, he was frequently on shore, and that he distinctly recollects that there was a small improvement situated on said Point Chicot, consisting of a small field and log cabin, occupied by a Frenchman named Le Fevre ; that he had vegetables, poultry, cows, and calves, around the premises ; that in the year 1811 or 1812, or at or near those periods, he again landed at Point Chicot, and remained there a short time ; that he then found living there, and became acquainted with, a certain Joseph Hutsell, who had an improvement on the lower part of the point situated on the tract at present occu-

pied by Horace F. Walworth ; that said improvement consisted of a log cabin, and two or three acres of land opened and in cultivation ; that said Hutsell was residing there, he believes, with the permission of some French commandant, whose name he does not know ; that, in 1809, and for some years thereafter, the Indians were in numbers frequently on the points and the surrounding tracts of land, and at that early period it was considered unsafe settling there ; that the Frenchman above named, Le Ferre, resided there with impunity, he thinks, from the circumstance of his having an Indian wife ; and further this deponent saith not.

J. P. HINTON.

Sworn to and subscribed before me, this 21st day of October, 1836.

WILLIAM TAYLOR, J. P.

STATE OF ARKANSAS, *county of Chicot :*

I, James Blaine, clerk of the circuit and county courts and ex officio recorder within and for the county aforesaid, do hereby certify that the within-named William Taylor, whose name is subscribed to the within and foregoing deposition as the magistrate before whom the same was made, is, and was at the time of taking the same, an acting justice of the peace within and for the county aforesaid, duly commissioned and qualified, and that full faith and credit are due, and ought of right to be given to all his official acts as such.

In testimony whereof, I have hereunto set my hand and affixed the seal of office, at Columbia, this 21st day of October, in the year of our Lord one thousand eight hundred and thirty-six, and of the independence of the United States the sixty-first.

JAMES BLAINE, *Clerk, &c.*

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No. 3.

STATE OF LOUISIANA, *parish of Orleans :*

Louis Bouligny being duly sworn, deposeth that he is a native of the city of New Orleans and 56 years of age. Deponent was well acquainted with the late Carlos de Vilemont, who was his uncle, and with whom deponent's father was very intimate and in constant correspondence. Deponent has frequently understood, before and after the cession of Louisiana, that Vilemont had a grant to Point Chicot, in Arkansas, of which he conveyed one undivided half to Judge Tessier in 1811, by a writing which deponent has now before his eyes. This circumstance was repeatedly mentioned to deponent by Vilemont himself. The paper annexed to this affidavit is Vilemont's certificate of service brought down to 1796. In the Spanish military service such certificates were usually delivered to officers. That paper is signed by Juan Gautier, the major of the regiment, and by Franco. Bouligny, deponent's father, who was the colonel of the regiment of Louisiana. Deponent was himself an officer in that regiment. It appears by the said certificate that Vilemont was considered a good officer, that he had entered the service in 1770, and had made several campaigns. From 1794 to 1802 Vilemont was commandant of Arkansas, and during that time never visited New Orleans; if he had

done so, deponent would have known it, on account of the intimacy that existed between their families. Deponent believes that Vilemont's even temporary absence from the post would not have been permitted, as he had no other officer under his command. Deponent is well acquainted with the rules of the Spanish service in Louisiana, and feels authorized to say that Vilemont would not have been permitted to reside or stay away from the fort. The Spanish Governors frequently rewarded public services by grants of land, and officers of rank generally obtained more valuable or more numerous grants than others. Deponent never understood and does not believe that Vilemont had any other grant but that for Point Chicot. After his recall from Arkansas, Vilemont was promoted to the rank of lieutenant colonel.

Deponent having been shown a copy of Vilemont's concession, says that nothing was more common in orders of survey than the condition of cultivation within three years; this was a clause which the Governor's secretary inserted nearly in every order of survey, without previous inquiry into the situation of the land; it was considered as mere matter of form; and deponent, notwithstanding his very extensive acquaintance with the old population of Louisiana, never has heard of an instance that a grant had been confiscated because those conditions had not been complied with. The complete title, called "*titulo in forma*," could not be obtained without a previous survey, and in remote districts it was extremely difficult to procure the attendance of a surveyor. Indeed the "complete title" was very generally considered unnecessary; nobody made any difficulty in buying lands for which the vendor had only an order of survey.

L. BOULIGNY.

Sworn to and subscribed before me, New Orleans, December 27, 1836.

EDWARD RAWLE,  
*Judge of the city court.*

El Capn. Dn. Carlos de Vilemont, su edad 35 años, su país Francia, su calidad noble su salud novusta su servicios, y circunstancias los que expresa.

Tiempo en que empezó à servir los empleos.				Tiempo que ha que sirve y quanto en cada empleo.			
Empleos.	Dias.	Meses.	Años.	Empleos.	Años.	Meses.	Dias.
Cadet -	1	Nov.	1770	De Cadete -	9	-	13
Subteniente	14	Nov.	1779	De Subteniente	1	3	17
Capitan -	1	Mar.	1781	De Capitan -	15	10	
Total hasta fin de Dizre. de 1796				-	26	2	

## REGIMIENTOS DON DE HA SERVÍDO.

En este 26 años y 2 meses.

## CAMPARAS, Y ACCIONES DE GUERRA EN QUE SE HALLADO.

En la sorpresa del Fuerte but, sitio y toma del de Baton Rouge, el año de 1779, y en el sitio y toma dela Movila el de 1780.

JUAN GAUTIER.

## INFORME DEL INSPECTOR

## NOTAS.

Valor, conocido.  
 Aplicacion, buena.  
 Capacidad, buena.  
 Conducta, buena.  
 Estado, sosten.

BOULIGNY.

## No. 4.

STATE OF LOUISIANA, *city of New Orleans* :

I do hereby certify that, being register of the land office at New Orleans in the year 1829, in that year, in the fall, I visited Arkansas, by direction of the President of the United States, to make investigation of some pretended land claims in that Territory which had been confirmed by the superior court, and have since been set aside under the act of Congress of May 8, 1830. In making inquiries about the early settlement of that part of Louisiana, I had a conversation with Colonel Sylvanus Phillips, since dead, one of the oldest and most intelligent inhabitants of that section of country. He informed me that he settled at the mouth of the St. Francis river about the year 1797; that there was then great danger to the settlers from incursions of the Indians; that, for the security of all, the commandant confined the settlers as much as possible to the neighborhood of the established posts. He further informed me that, as late as the year 1799, he himself was ordered in, by the commandant, from the mouth of the St. Francis river to the post of Arkansas on account of the common danger. I make these statements from a memorandum I made at the time, and which I now have before me.

I further certify that, in examining the books of the land office, I have seen a great many confirmations of titles by the different commissioners, founded upon orders of survey, without proof of settlement and improvement, although the condition of settlement in the order was peremptory. Such has been the uniform practice of the commissioners of the land offices with which I am acquainted, since the act of the 12th of April, 1814, and I know from my professional practice that these decisions are in conformity with the usages and the customs of the Spanish Government, under which lands, for which no other title had ever been given but orders of survey, were considered as private property, and were treated as such in the settlement of estates, &c. The condition of settlement and of making a road or levee, was very generally, perhaps universally, inserted in all orders of survey for lands which

were not merely granted for stock-farms, but it was not insisted upon by the Government. No instance has ever come to my knowledge that the Government required proof of the conditions in an order of survey where application was made for the complete title, called "titulo in forma," and indeed the belief of the inhabitants, sustained by the practice of the Government, that an order of survey vested the property as fully as a complete title, was so general, that they neglected, in a very great number of cases, to perfect their titles.

ISAAC T. PRESTON.

No. 5.

LAND OFFICE AT OPELOUSAS,  
STATE OF LOUISIANA, *November 8, 1836.*

This is to certify that, since my appointment to the office of register, I have had occasion to examine many of the Spanish claims heretofore offered for confirmation or report to this office, and the principles by which the commissioners have heretofore been governed in their decision; that many claims have been presented, founded on orders of survey, containing the condition that a road and levee should be made in front of the land, and the land should be cultivated within three years, in default whereof the concession should be null, and that notwithstanding these conditions, claims of this description have uniformly been confirmed, or recommended for confirmation, although the land had not been cultivated and inhabited, and no road or levee been made before the cession of Louisiana, the inquiries instituted by my predecessors having led them to the conclusion that the compliance with these conditions was not insisted upon by the Spanish Government; that they were matters of form; and that, notwithstanding their non-performance, the Spanish Government would not have refused to perfect the title.

JOHN J. TAYLOR, *Register.*

No. 6.

NEW ORLEANS, *December 12, 1836.*

I, the undersigned, late register of the land office at New Orleans, do hereby certify that, while discharging the duties of said office, I have frequently seen claims confirmed by the United States, predicated almost entirely upon orders of survey issued by the Spanish Government, and without any proof having been furnished by the claimants of compliance, on the part of the original grantees with the conditions generally inserted in said orders of survey, such as, that a road and levee should be made in front of the land, and that the land should be cultivated within three years, &c. And I further certify that, from many circumstances that have come to my knowledge, I am inclined to think that the conditions above referred to were principally matters of form, and that a failure on the part of the grantee, or party interested, to conform in every respect thereto, would not necessarily have resulted in a forfeiture of the land.

H. B. CENAS.



No. 7.

EXTRACTS.

*To the honorable Josiah Meigs, Commissioner of the General Land Office in the Treasury Department of the United States :*

The register of the land office and receiver of public moneys of the western district of the late Territory of Orleans, now State of Louisiana, have the honor to report their decisions and opinions for the revision of Congress, on the following claims to land in the said district, which were filed with the register pursuant to the acts of Congress entitled "An act granting further time for registering claims to land in the western district of the Territory of Orleans," passed the 10th March, 1812, and the act entitled "An act giving further time for registering claims to lands in the eastern and western districts of the Territory of Orleans, now State of Louisiana," passed the 27th February, 1813, classing and arranging the same as follows, viz :

Class No. 1 will comprise claims for lands held under complete patents of unquestionable authenticity, which having been filed with the register previous to the dissolution of the board of commissioners appointed for the purpose of ascertaining and adjusting titles and claims to lands in the said district, and found on record, have been transferred to the said board for confirmation ; pursuant to the 5th section of an act of Congress entitled "An act for ascertaining and adjusting titles and claims to lands," &c., passed the 2d March, 1805. (See note A, at the end of the report.)

Class No. 2 will comprise claims founded on authentic orders of survey conceded by the Spanish Government of Louisiana ; which, with or without proof of occupancy, ought, in the opinion of the said register and receiver, to be confirmed. (See note B, at the end of the report.)

Class No. 3 will comprise claims founded on requettes approved and sanctioned by the competent Spanish authorities, or for lands which may have been surveyed by an authorized Spanish surveyor previous to the change of Government ; and which, whether accompanied or not by proof of occupancy, ought, in the opinion of the said register and receiver, to be confirmed. (See note C, at the end of the report.)

Class No. 4 will comprise claims unsupported by a requette or concession under the former Government of Louisiana, but which, from regular transfers of title bearing date anterior to the change of Government before the authority competent to judge, and whose duty it was to decide on the validity of the title of the seller, whether supported or not by evidence of occupancy, ought, in the opinion of the said register and receiver, to be confirmed. (See note D, at the end of the report.)

Note B.—The register and receiver are of opinion that, in justice and equity, all claims founded on orders of survey ought to be confirmed, and especially those in the western district. The conditions on the performance of which the completion of the title depended being inapplicable to the local circumstances and situation of the country, it is believed were never insisted upon. Indeed, in clearing the fronts of their lands to a certain depth, the proprietors must, in most instances, have deprived themselves even of fuel. Cutting roads were necessary

in very few instances, and making levees in scarcely any. Even claims founded on orders of survey without special locations, conceded, for example, for any vacant land in the post of Opelousas, are considered as valid. It is known that such concessions were sometimes made for the remuneration of persons from whom lands had been taken by the Spanish Government for garrisons or other public uses. The property so taken from the claimant or his ancestors has, by the cession of Louisiana, become vested in the United States. Would it then be just to withhold the indemnity for which the former Government had become pledged?

LAND OFFICE AT OPELOUSAS, LOUISIANA,  
November 8, 1836.

The foregoing extract, as well as the note B referred to in said extract, are true copies of the explanatory letter and a note which accompanied the reports of the register and receiver at Opelousas, made 30th December, 1815. It is further certified that the claims classed in the 1st, 2d, 3d, and 4th classes in the aforesaid reports, have been confirmed by an act of Congress entitled "An act confirming certain claims to lands in the western district of Louisiana," approved 5th February, 1825.

JOHN J. TAYLOR, *Register*.

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No. 8.

UNITED STATES OF AMERICA, TERRITORY OF ARKANSAS, County of Chicot.	}	<i>In Circuit Court of said county of Chicot, January term, 1824.</i>
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The following report was made by the commissioners appointed by law to select and locate the seat of justice of the county aforesaid.

Thomas James, John Weir, Abner Johnson, and Enoch Bogy, commissioners appointed by law to select and locate the seat of justice in the county of Chicot, in the Territory of Arkansas, report that they have selected and located the same eastwardly from the dwelling-house of Andrew Latting, near the bank of the Mississippi, near a pecon tree; commencing one hundred and eighty feet from the bank of the river, at a stake; thence, running at right angles as the town may be laid out, one hundred and sixty feet; thence eastwardly one hundred and sixty feet; thence north one hundred and sixty feet; thence westward to the place of beginning; containing one hundred and sixty feet square; which spot of ground we establish as the county seat for the county of Chicot: which county seat to be called the town of Vilemont.

STATE OF ARKANSAS, *County of Chicot* :

I, James Blaine, clerk of the circuit court and ex officio recorder in and for the county aforesaid, do hereby certify that the foregoing is a true, perfect, and correct transcript of the proceedings had in the circuit court of said county in chancery sitting, taken from the records of my office.

In testimony whereof, I have hereunto set my hand, and affixed the seal

of my office, at Columbia, this twelfth day of October, in the year of our Lord eighteen hundred and thirty-six, and of the independence of the United States the sixty-first.

JAMES BLAINE, *Clerk, &c.*

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No. 9.

CHICOT COUNTY, *State of Arkansas* :

David Clary, being duly sworn, deposes that he arrived in this county in October, 1814, and has ever since been living in it. He first staid at Point Chicot. The only settlers on the point then were a Frenchman by the name of Lefebvre, another Frenchman by the name of Malbrouc, also known by the name of John Baptiste Daigle, Joe Hudson, Amos Moore, and Royal Bills. Deponent became acquainted with all of them. The Spanish claim of Carlos de Vilemont to Point Chicot was known to every body that lived in the neighborhood. It was known also that Malbrouc, Lefebvre, and Joe Hudson were on the land with Vilemont's permission, and deponent heard them say so himself. Deponent had heard this claim frequently spoken of previous to his coming to this county, and when he lived near the post of Arkansas, and at the mouth of the Arkansas river. He also knew Vilemont previous to that time. Vilemont then resided at the post of Arkansas. Deponent's father and uncle then frequently spoke of this claim. Several years before deponent came to the county, Amos Moore, who had, until then, been living on the Arkansas, stopped at the house of deponent's father, and stated that he was on his way to Point Chicot, and that he went there as the agent of Don Carlos de Vilemont. Amos Moore lived at the point until 1819, when he died. Some time after his death, Ignace Bogy, de Vilemont's brother-in-law, and de Vilemont himself, with his family, moved to the point, and the family has ever since been living on the point. Malbrouc and Lefebvre left the point several years after deponent's arrival in the county. Their improvements were just above the place now occupied by the Vilemont family. After them a man by the name of Ferguson took possession of this place, but deponent does not know in what manner, and has never heard that he had bought from Malbrouc or Lefebvre. During Ferguson's temporary absence, after Moore's death, and previous to de Vilemont's arrival, Andrew Latting, who then lived at Matthew's bend, had Ferguson's improvement seized for a small debt, and bought it in at constable's sale. He then moved on it himself, and remained there until his death in 1828. This improvement is now in the possession of H. F. Walworth. Andrew Latting bought this improvement for a trifling sum, much less than one hundred dollars, though deponent does not recollect the precise amount.

When deponent arrived in the county in 1814, there was no settlement just below the land now occupied by the Vilemonts, and where H. F. Walworth's plantation now is. Hugh White, from whom Walworth afterwards bought, went on the land about 1818, and made a clearing below the present farm of the Vilemonts.

A man by the name of Royal Bills made the first settlement on the place now occupied by Benjamin L. Miles. Royal Bills had just arrived there and commenced his settlement, when deponent also arrived in this county, in October 1814. Deponent staid that fall and winter with Royal Bills.

De Vilemont's claim was perfectly known to all the persons deponent has been naming. Elijah Bunch was desirous to settle on the point and to purchase Royal Bills's improvement; the contract was even already prepared, but Bunch concluded not to buy, on account of the Vilemont claim, which he thought must be confirmed. Some years afterwards, perhaps in 1816 or 1817, Benjamin L. Miles purchased Royal Bills's little improvement, taking the risk of the claim, of which he was perfectly aware. In these early times, already, deponent heard Miles and White speak of the Vilemont claim. Miles was always afraid of it, and Hugh White, when he sold in 1828 to Walworth, and moved a short distance up the river, just above Columbia, said repeatedly that he had sold because he thought the Vilemont claim would be confirmed.

When Miles came to the country, he was rafting for some time. In 1827 he was still rather poor; he then had only two slaves, which he had bought a year or a little more previous. Since that he has always made excellent crops off this land, has constantly increased his force, and is now a very rich man.

When White sold to Walworth, he had about 30 or 40 acres open.

About 1816 or 1817 another small settlement was commenced on the lower side of the point by Samuel Parker and McGary, which is now also in the possession of Walworth since last June. They always knew of the Vilemont claim, and were afraid of it.

When Walworth first arrived at the point he had about 8 or 10 slaves. Since then he has been making fine crops, and constantly increasing his force, which is now very large.

When, in 1830, the lands in the neighborhood of Point Chicot were offered for sale, deponent understood that the point itself was reserved from sale on account of the claim.

Joseph Hutsell's improvement was at some distance below Amos Moore's. Hutsell moved into Louisiana before Vilemont's arrival at the point.

DAVID CLARY, his + mark.

Sworn to and subscribed before me this 19th day of September, A. D. 1836.

HIRAM MONELL, J. P.

*for Oden township, county of Chicot, State of Arkansas.*

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No. 10.

ARKANSAS, *Phillips county, sct.:*

I, William B. R. Horner, state upon oath that I came to the mouth of St. Francis river on the 10th day of January, 1811, and have resided in that neighborhood ever since. Since about the time of my first arrival, the claim of Carlos de Vilemont to a tract of land embracing Point Chicot

has been a matter of public notoriety. In 1812 I was at Point Chicot; there were then several families living there, among the rest, Mr. Moore, Mr. Lafavre, and Mr. Hutsil, all of whom then, by their own statements, lived there under the sufferance of de Vilemont. In 1815 I was again there and learned the same facts. In 1819 I was again there, and every person there living knew of and understood that he, de Vilemont, had a claim to that land. The facts of his (de Vilemont's) claim have been public and notorious in this and Chicot since my earliest knowledge of the country; is certain Lafavre was sent to that point by de Vilemont as a trader or small merchant, and resided there under the patronage of him, de Vilemont.

WM. B. R. HORNER.

Sworn to and subscribed before me at Helena, Phillips county, State of Arkansas, this 13th day of September, 1836.

JOHN R. SANFORD,

*Justice of the peace, Phillips county, A. T.*

No. 11.

CHICOT COUNTY, *State of Arkansas* :

James Russell being duly sworn, deposes that he arrived in this county on the 2d of January, 1824, and has been residing in it ever since. From the time of his arrival until 1828, he lived on Point Chicot, on Andrew Latting's improvement, and kept store there. The widow and heirs of the late Carlos de Vilemont then already resided at the point, at the same place where they now live. Deponent's house was about 300 yards from the house of the de Vilemonts and above it. Below the farm of the de Vilemonts, and separated from it only by a lane, was Hugh White's improvement. Both these improvements are now in the possession of H. F. Walworth. At the time of deponent's arrival already every body in the neighborhood knew the claim of the de Vilemonts. Deponent has conversed concerning it with Andrew Latting and Hugh White, and they both were of opinion that the claim would ultimately be confirmed. Hugh White told deponent, when he (White) sold his improvement to H. F. Walworth, that he had sold with full warranty, except against the United States and against the claim of the Vilemonts. H. F. Walworth arrived at Point Chicot about the latter part of 1828. When White sold to Walworth, his improvement might have included about 50 acres. When deponent arrived at the point, Andrew Latting's improvement may have been between 30 and 50 acres. At that time Benjamin L. Miles was already on the place which he now occupies. Then he was poor and had no slaves. Deponent believes he bought the first slaves he ever owned about 1827, at the mouth of the Arkansas. Miles is now considered a rich man, and has got a good many slaves; and deponent believes he grew rich by the crops he made on this land.

JAS. RUSSELL.

Sworn to and subscribed before me, this 19th day of September, A. D. 1836.

HIRAM MONELL, *J. P.*

*for Oden township, county of Chicot, State of Arkansas.*

**STATE OF ARKANSAS, County of Chicot :**

I, James Blaine, clerk of the circuit and county courts and ex officio recorder within and for the county aforesaid, do hereby certify that the within-named Hiram Monell, whose name is subscribed to the within and foregoing deposition, as the magistrate before whom the same was made is and was at the time of taking the same, an acting justice of the peace within and for the county aforesaid, duly commissioned and qualified and that full faith and credit are due and ought of right to be given to all his official acts as such.

In testimony whereof, I have hereunto set my hand and affixed the seal of office, at Columbia, this 19th day of September, in the [SEAL.] year of our Lord one thousand eight hundred and thirty-six, and of the Independence of the United States the sixty-first.

JAMES BLAINE, *Clerk, &c.*

**JAMES BLAINE, Clerk, &c.**

**No. 12.**

**CHICOT COUNTY, *State of Arkansas* :**

John White being duly sworn, deposes that he is the son of Hugh White, who sold an improvement on Point Chicot to H. F. Walworth, in the year 1828. Deponent was then living with his said father, who frequently mentioned the Spanish claim of Don Carlos de Vilemont to him, and expressed a belief that it would be confirmed. Such was indeed, the general opinion of the inhabitants of the county. There is no man that then lived in the country but was informed of this claim. Deponent's father was induced to sell his improvement, because he was afraid of this claim, and on that account he also sold expressly without any warranty against this claim. H. F. Walworth was fully aware of this claim when he bought; he was informed of it by deponent's father.

In 1832, the county seat of Chicot county, which, until then, had been at Point Chicot, on a small tract of land given to the county by Andrew Latting, was removed to Columbia, on account of the Vilemont claim by which Andrew Latting's land was covered.

**JOHN WHITE.**

Sworn to and subscribed before me, this 19th day of September, A  
D. 1836.

HIRAM MONELL, *J. P.*

for Oden township, county of Chicot, State of Arkansas.

## No. 13.

*Hugh White to Horace F. Walworth.*

UNITED STATES OF AMERICA,  
Territory of Arkansas, County of Chicot. } Conveyance.

For and in consideration of the sum of sixteen hundred dollars, to me in hand paid by Horace F. Walworth, the receipt whereof I do hereby acknowledge that I, Hugh White, have this day bargained, sold, and delivered, unto the said Walworth, all my right, title, interest, claim, or demand, to a certain improvement or pre-emption right, lying and being in Vilemont, (or Point Chicot,) and county aforesaid, and bounded as

follows, to wit: by the Mississippi river on the north and front, by the improvement belonging to the estate of Don Carlos de Vilemont, on the west, and by the United States land on the south and east. The west part of said improvement said White purchased of Ignace Bogy, adjoining the said Vilemont's improvement; the east part of said improvements the said White obtained by conveyance from Joseph Hutsell; which aforesaid improvements are now comprised in one, containing four hundred and eighty acres of land, be the same more or less. And, finally, I, Hugh White, for the valuable consideration of sixteen hundred dollars, aforesaid, do by these presents convey the aforesaid improvements to the said Walworth, with all the privileges and appurtenances thereunto belonging; and that I the said White do warrant and defend the said improvements against all claim or claims, demand or demands, whatsoever, excepting the claims of the United States, and, also, the Spanish claim of Don Carlos De Vilemont.

Given under my hand and seal, this 22d day of April, A. D. 1828.

HUGH WHITE, his + mark.

Test :

ANDREW LATTING,

J. W. BOONE.

Personally appeared before me, clerk and ex officio recorder of the county of Chicot and Territory of Arkansas, the within subscribing witnesses, Andrew Latting and J. W. Boone, and on oath say Hugh White gave the within conveyance of his own free will, and for the purposes therein contained. Given under my hand and seal of office, this 22d day of April, A. D. 1828.

RICHARD LATTING, *Clerk, &c.*

I do hereby certify that the foregoing conveyance is a true copy from the original filed in my office for recording. Given under my hand and seal, this 22d day of April, A. D. 1828.

RICHARD LATTING, *Clerk.*

STATE OF ARKANSAS, *County of Chicot :*

I, James Blaine, clerk of the circuit and county courts and ex officio recorder, do hereby certify that the foregoing instrument of writing is a true and correct copy of the original filed in my office for record, and recorded the 22d day of April, A. D. 1828. Record-book A, page 56.

In testimony whereof, I have hereunto set my hand and affixed the seal of my office, at Columbia, the 12th day of October, in the year of our Lord eighteen hundred and thirty-six, and of the independence of the United States the sixty-first.

JAMES BLAINE, *Clerk, &c.*

No. 14.

Know all men by these presents, that I, Ignace Bogy, for valuable consideration of five hundred dollars to me in hand paid by Hugh White, a certain improvement I now live on, joining the west corner of Hugh

White's improvement on the west, and containing two acres in front, and running back with right angles from the Mississippi river, to include one hundred and sixty acres, also the cotton standing and growing on said ground, with all the other improvements and appurtenances thereunto belonging, and which improvement was formerly settled by Amos Moor for Charles de Vilemont, and which improvement and quantity of land obtained from said de Vilemont; and I do, by these presents, convey the same unto Hugh White, his heirs, forever, against me, my heirs, &c., and warrant and defend all the right, title, interest, claim or demand, the said C. de Vilemont had, or ever could have, either in law or equity, to the said land and improvement.

In testimony whereof, I have hereunto set my hand and seal, this 16th day of September, A. D. 1826.

IGNACE BOGY.

Test :

ANDREW LATTING,  
RICHARD LATTING.

Personally appeared before me, Andrew Latting, a subscribing witness to the within conveyance, and also Richard Latting, and on their oath do say that Ignace Boggy gave the aforesaid conveyance of his own free will, and for the purposes therein contained. Given under my hand and seal of office, this 28th day of September, A. D. 1826.

RICHARD LATTING,  
*Clerk of Chicot county.*

I do hereby certify that the foregoing conveyance or instrument of writing, &c., is a true copy from the original filed in my office for recording. Given under my hand and seal, this 16th September, A. D. 1826.

RICHARD LATTING,  
*Clerk and ex officio recorder of Chicot county.*

STATE OF ARKANSAS, *Chicot county :*

I, James Blaine, clerk of the circuit and county courts and ex officio recorder, do hereby certify that the foregoing instrument of writing is true and correct copy of the original filed in my office for record, and recorded the 16th day of September, A. D. 1826. Record-book A, page 20.

In testimony whereof, I have hereunto set my hand, and affixed the seal of my office, at Columbia, this twelfth day of October, in the year of our Lord eighteen hundred and thirty-six, and of the independence of the United States the sixty-first.

JAMES BLAINE, *clerk, &c.*

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No. 15.

STATE OF ARKANSAS, *Chicot county :*

Hiram Monell being duly sworn, deposes that he arrived in this county in November, 1830, and lived on Point Chicot until May, 1833.



and since at Columbia. Until 1832 the county seat was on Point Chicot, on a small tract given to the county by Andrew Latting. On this donation a jail was built, and near it some lots were laid off on which John C. Jones had built some houses, which he rented out for stores. This place was called the town of Vilemont. The site on which these buildings were erected has nearly altogether caved in; some houses have been removed, and nothing now remains of the town but the jail and a small abandoned house in decay. In 1832, the county seat was removed from Point Chicot to Columbia; one of the reasons alleged for this measure, was that the land was covered by the Vilemont claim, and for this same reason a donation which John C. Jones offered at Point Chicot was refused by the county commissioners. Since then, the county seems to have abandoned all claim to the said donation, and the land round the jail is now cultivated in cotton by Walworth.

In 1832, Alanson Morehouse, the administrator of Andrew Latting's estate, sold the interest of the estate in the improvement made by Andrew Latting, at public sale, to John C. Jones; in which purchase the commercial firm of Mitchell & Co. was jointly interested. The purchasers having neglected to pay the purchase money, the trustee of the administrator of the estate of Andrew Latting proceeded to sell the improvement under the deed of trust given by the purchasers, and was restrained from selling by an injunction obtained on the ground of want of title. This suit is still pending. Some time in 1835, Anthony H. Davies, the liquidating partner of the firm of Mitchell & Co., transferred the interest of the firm in the said purchase and suit to H. F. Walworth.

The conditions of this transfer were, that Walworth should put himself in the place and stead of John Mitchell & Co., exonerate them from any responsibility, and refund to them the expenses already incurred for fees &c., which amounted to about \$150. Deponent was then a clerk of John Mitchell & Co., and saw an entry in their books to this effect by A. H. Davies. H. F. Walworth is now in possession of this improvement. Samuel Parker had an improvement on the lower side of the point. Sometime in June or July last, (1836,) Parker sold this improvement to H. F. Walworth without warranty and without any recourse upon him, he said Parker. Deponent understood so from Parker himself.

Since deponent's arrival in this county, H. F. Walworth and Benjamin Miles have extended their fields considerably. During deponent's residence in the county, the grant of the de Vilemonts was universally spoken of, and the general belief was that the grant was a good one.

It is generally believed in this district of country that clearing land worth from 15 to 20 dollars an acre where it is heavily timbered.

The heirs of Joseph Boone have an improvement on the point, which they are said to hold with the permission of, and under an agreement with, Don Carlos de Vilemont. Deponent understood so from the late John C. Jones, the son-in-law of Joseph Boone.

HIRAM MONELL.

Sworn to and subscribed before me, this 19th day of September, A. 1836.

JAMES BLAINE, J. P.

## No. 16.

**CHICOT COUNTY, *State of Arkansas* :**

Henry Baker being duly sworn, deposes that he first came down to the southern country in 1805, and then lived about two or three years at Natchez. Afterwards, he lived at different places on the river, until about 18 months before the battle of New Orleans, when he settled on Point Chicot. About 1809 or 1810, deponent met Amos Moore and his family in Cypress bend, perhaps 40 miles above Point Chicot, in a boat. Deponent conversed with Moore, who told him that he went to Point Chicot, and that he had leased that land from Don Carlos de Vilemont. Previous to that, when deponent was taking out a raft of timber near Point Chicot, he saw Vilemont frequently at the point, who then stayed there some considerable time. It was then well known that Vilemont had a claim to Point Chicot, and has been known ever since.

Some three or four years ago, John C. Jones proposed to deponent to settle on Point Chicot, just above Boone's improvement, and about three miles below Columbia, and make an improvement there, and if he should acquire a pre-emption right, to sell it to the said Jones. Jones was afraid that somebody would take possession of this place, and wished to have himself. Deponent took possession of the place and made the improvement, but did not bind himself to give up his pre-emption right to the said Jones. Deponent stayed there upwards of a year, and then left for a place about half a mile below Columbia, on H. F. Walworth's land. Deponent then sold this pre-emption to Walworth, on condition that Walworth should prove it up, and if he obtained it, pay deponent well for it. Deponent, when he made the improvement, knew that it was included in the Vilemont claim, and that it was reserved from sale on account of the claim. This improvement is now in the possession of the heirs of John C. Jones, who had married a daughter of Joseph Boone.

Deponent, when he first arrived at the point, bought an improvement from Fields and Newton, just above Mrs. Parker's improvement. He afterwards made an improvement on the long pond, which is now the upper part of Miles's plantation. Deponent afterwards sold both these improvements to Miles.

HENRY BAKER, his x mark.

Sworn to and subscribed before me, this 19th day of September, A. D. 1836.

HIRAM MONELL, J. P.

## No. 17.

Know all men by these presents, that I, Henry Baker, of the county of Chicot and Territory of Arkansas, hath granted, bargained, and sold to John C. Jones, of said county and Territory, all that improvement made and further to be extended by me, the said Baker, as below : situated in the southeast quarter of section seven, township fifteen south, range one east of the fifth principal, for the consideration of ten dollars, to me in hand paid, the receipt whereof is hereby acknowledged, and also for the further considerations hereinafter expressed. And I, the said Henry

Baker, do hereby renounce and forever quit claim to the aforesaid improvement, and all the lands and privileges that do or may appertain thereto. And it is agreed between the said Henry Baker and said John C. Jones, that the said Baker shall have the option of living in the said improvement two years from the first of January next, unless the said Jones should sell the land on which it is situated before that time, and that the said Baker is to go on to clear and fence ten acres of ground, for which the said Jones is to pay to the said Baker the further consideration of one hundred dollars, when the same shall have been completed. The said Jones agrees to haul the rails for the fencing of said ground, and to permit said Baker to cultivate four acres of the cleared land, for the term of two years as aforesaid. It is further understood that the clearing of the ground is to be made on the cane-ridge, in the rear of the houses now occupied by said Baker. All trees under one foot diameter to be cut down and burned, and all the larger trees to be girdled, and the said Baker, his heirs, executors, or administrators, &c. shall yield up and deliver quiet and peaceable possession to the said Jones, his heirs or assigns, the said improvements, with all the appurtenances, at the expiration of the two years aforesaid, without any let, hindrance, or damage to him, the said Jones, his heirs or assigns. In witness whereof, I the said Henry Baker have hereunto set my hand and seal this ninth day of July, in the year 1832.

HENRY B. BAKER, his + mark.

Test: JAMES MCKINNY.

TERRITORY OF ARKANSAS, }  
County of Chicot, Oden township. }

This day personally came before me, James ———, justice of the peace in and for the township aforesaid, the within-named Henry Baker, who acknowledged that he did sign, seal, and deliver the foregoing instrument of writing for the uses and purposes therein named and expressed. Given under my hand and seal this ninth day of July, 1832.

I, James Blaine, clerk of the circuit and county courts and ex officio recorder in and for the county of Chicot, Territory of Arkansas, do hereby certify that the foregoing instrument of writing is a true copy of the original filed in my office for record, and recorded this day by me, September 29, 1836.

JAMES BLAINE,  
Clerk, ex officio recorder.

STATE OF ARKANSAS, County of Chicot :

I, James Blaine, clerk of the circuit and county courts and ex officio recorder, do hereby certify that the foregoing instrument of writing is a true and correct copy of the original filed in my office for record, and recorded the 29th day of September, A. D., 1836. Record-book B, pages 235 and 236.

In testimony whereof, I have hereunto set my hand and affixed the seal of my office at Columbia, this 12th day of October, in the year of our Lord eighteen hundred and thirty-six, and of the independence of the United States the sixty-first.

JAMES BLAINE, Clerk, &c.

## No. 18.

Know all men by these presents, that I, Henry Baker, of the county of Chicot, have thus delivered up to Mary Jones, executrix of John C. Jones, deceased, the little improvement in section seven, township fifteen range one, east, which I was to make for the John C. Jones, agreeable to lease, which is in the possession of the said Mary Jones, as I have received full compensation for the same.

Given under my hand and seal, this 18th day of February, 1834.

HENRY BAKER, his  $\times$  mark.

Test: A. W. WEBB.

I, James Blaine, clerk of the circuit and county courts and ex officio recorder in and for the county of Chicot, and Territory of Arkansas, do hereby certify that the foregoing instrument of writing is a true copy of the original filed in my office for record, and recorded this day by me.

JAMES BLAINE,

*Clerk and ex officio Recorder.*

September 29, 1836.

STATE OF ARKANSAS, *county of Chicot* :

I, James Blaine, clerk of the circuit and county courts and ex officio recorder, do hereby certify that the foregoing instrument of writing is a true and correct copy of the original filed in my office for record, and recorded the 29th day of September, A. D. 1836. Record-book B, page 237.

In testimony whereof, I have hereunto set my hand and affixed the seal of my office, at Columbia, this twelfth day of October, in the year of our Lord eighteen hundred and thirty-six, and of the independence of the United States the sixty-first.

JAMES BLAINE, *Clerk, &c.*

No. 19.

STATE OF ARKANSAS, *county of Chicot* :

This day personally appeared before me, James Blaine, an acting justice of the peace within and for the county aforesaid, Britton Ward, who, being duly sworn according to law, deposeth and saith that Don Carlos de Vilemont was Spanish commandant at the post of Arkansas from the year A. D. 1794 to A. D. 1802; that subsequent to those years he became personally acquainted with him, (Don Carlos de Vilemont,) in the year 1816, at Chicot Point; that he was then attending to land on and about Point Chicot; and previous to the cession of Louisiana to the United States, there was no white settlement from the mouth of St. Francis river to the mouth of Yazoo, and it would have been unsafe and hazardous in the extreme to have attempted to make a settlement, on account of hostilities of the Indians, who committed many depredations upon the inhabitants on both sides of the river; further, this deponent saith that he frequently heard it said that de Vilemont attempted to make a settlement in the year A. D. 1803; and in the year A. D. 1816 he became acquaint-

ed with Amos Moore and Malbrough, (alias John B. Dagle,) on Point Chicot; that they had some ten or fifteen acres in cultivation in corn and vegetables, and raised an abundance of poultry, hogs, and cattle, and that he knew them to be sent there as agents by de Vilemont, and that they professed themselves to be such. He also knew that Le Fevre had lived on Point Chicot as the agent of de Vilemont previous to Moore and Malbrough's making a settlement there. He further states that he knows Amos Moore was sent from the post of Arkansas by de Vilemont to make a settlement on Point Chicot; that said Moore built the house in which the family now reside, and that said Moore lived in said house until 1819, which year he died. After Moore's death the place was left vacant for about two years, during which time many depredations took place, and Thomas Ferguson got possession of the improvement afterwards occupied by the late Andrew Latting, and since sold by his administrator (Morehouse) to John C. Jones and John Mitchell. In the year 1809 or 1810, this deponent is informed that de Vilemont sent a number of cattle from the post of Arkansas to Point Chicot, and he knows this to be the fact; and that, in the year A. D. 1821, Don Carlos de Vilemont moved to Point Chicot with his family, who have ever since been residing there, de Vilemont having died in A. D. 1824, leaving a widow and eight children, and for the last fifteen years strenuous efforts have been made by the family of de Vilemont and their agents to procure the confirmation of the claim, and to prevent any usurpations by intruders.

Andrew Latting got possession of Ferguson's improvement in 1819 or 1820, by seizing on it in absence of Ferguson, under pretence of a debt due to said Latting from Ferguson; said Latting being a magistrate, had it sold at the constable's sale, and bid it off himself at a very trifling price, and setting aside all formalities of law or equity. The county seat was established at Point Chicot, and called Vilemont, in A. D. 1823. It was a donation from Andrew Latting to the county, in 1823, of part of the land he usurped from the family through Ferguson's improvement, (160 feet square.)

The fact of Don Carlos de Vilemont having a claim or grant to Point Chicot has always been a matter of general notoriety. Hugh White, Andrew Latting, and Benjamin L. Miles, always expressed themselves with regard to the claim as being fearful of it, and anticipated its confirmation, which would deprive them of their improvements; and, indeed, Hugh White moved without the supposed limits of the claim on account of it. When the sale of lands took place in 1830, the de Vilemont family, through their agents, objected to the sale of that township in which Point Chicot lies, and William Russell entered a protest against the sale in the land office at Little Rock; and the point itself and adjoining tracts were specially reserved from sale by the officers of Government, giving as a reason for so doing the anticipated confirmation of the claim. Unremitting exertions have been used heretofore by the de Vilemonts and their agents to procure a public survey of the land, but were not able to obtain it. H. F. Walworth was fully aware of the claim when he purchased from Hugh White in 1828, in the month of April, White having sold to him on account of fear and dread of the claim. Walworth and Miles have increased their force and extended their places to an immense expanse,

and have made fortunes, or thousands of dollars, off of the land belonging to the grant. The lands which the claimants, in their memorial, have offered to abandon on the Mississippi and elsewhere, are of great and immense value, being fine cotton lands, nor can any public unappropriated lands be found within the State of equal value. H. F. Walworth became possessed of the small tract from Archer, by renting it from said Archer, who purchased from Alanson Morehouse, who built a house on it; it contained about six acres of cleared land. The clearing of land in this section of country adds about fifteen dollars per acre to its value. In Spanish times and after the cession of Louisiana by Spain, Point Chicot was known by the name of the island of Chicot. In the year 1830 or 1831, Elijah Boston was employed by Benjamin L. Miles to make an improvement within the supposed limits of the claim, and about one and a half or two miles above the present residence of Madam de Vilemont with a view to gain a pre-emption, and throw obstacles in the way of the confirmation of the claim; and further this deponent saith not.

BRITTON WARD.

Sworn to and subscribed before me, this 1st day of November, A. D. 1836.

JAMES BLAINE, J. P.

**STATE OF ARKANSAS, county of Chicot :**

I, James Blaine, clerk of the circuit and county courts and ex officio recorder within and for the county aforesaid, do hereby certify that James Blaine, whose name is subscribed to the foregoing instrument of writing as the officer before whom the same was made, is, and was at the time of making the same, an acting justice of the peace in and for the county aforesaid, duly commissioned and qualified, and that full faith and credit are due to all his official acts as such.

In testimony whereof, I have hereunto set my hand and affixed the seal of office, at Columbia, this 15th day of November, in the year of our Lord one thousand eight hundred and thirty-six, and of the independence of the United States the sixty-first.

JAMES BLAINE, *Clerk, &c.*

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No. 20.

**TERRITORY OF ARKANSAS, Chicot county :**

Whereas the late Carlos de Vilemont did obtain, on the 17th of June, 1795, from the Baron de Carondelet, then Governor General of the province of Louisiana, a concession or order of survey for a tract of land on the right bank or west side of the river Mississippi, at the place called Point Chicot, 25 leagues below the mouth of the river Arkansas, having two leagues in front by one league in depth, now situated in Chicot county, Arkansas Territory :

Whereas the said Carlos de Vilemont conveyed, on January 16th, 1811, by a deed or writing, under private signature, the undivided half of, the

said tract of land to Charles Tessier, of the parish of East Baton Rouge, State of Louisiana :

Whereas all the said right, title, and interest of the said Charles Tessier, in the said tract of land, has since been conveyed to Robert J. Walker, of the city of Natchez, in the State of Mississippi, who has given, on the 24th instant, a power of attorney to Louis Janin, Esq., of the city of New Orleans, to represent him in all matters relating to the said claim :

Whereas it is the interest of all parties interested in the said claim to effect the settlement of the said claim and the partition of the land with as little delay as possible :

Now, therefore, I, Catherine Bougy, widow of the late Carlos de Vilemont, and we, Carlos de Vilemont, Pedro de Vilemont, Ursin de Vilemont, Zoë de Vilemont, and Virginia de Vilemont, the latter five being the lawful issue of the said Carlos de Vilemont with the said Catherine Bougy, hereby appoint, nominate, and constitute Louis Janin, of the city of New Orleans, our true and lawful attorney, for us and in our names to take all proper and necessary measures to procure the confirmation of the said claim, to have it surveyed, to take a patent therefor, draw up and sign memorials to Congress, make therein such concessions as he may think proper and necessary for our interests, claim and sue for the possession of any part of the said land which may be unlawfully withheld by other persons, examine and admit or contest any claims to any part of said land which any person may pretend to have, make compromises and agreements in relation to the said land and to the boundaries of the whole or any portion thereof, institute the necessary proceedings to establish these boundaries, proceed to its partition according to the forms prescribed by the laws of this Territory and to the respective rights of the parties therein interested, to do in the premises and for the settlement of our rights to the said land whatever we could do ourselves, promising and agreeing to maintain, abide by, and ratify whatever he shall do in the premises, and to contribute in proportion to our interests, to wit, the interest of the widow and heirs of the late Carlos de Vilemont, in the said land, to the expenses which the said Louis Janin may make for the purposes contemplated in this letter of attorney.

Witness our hands and seals at Point Chicot, Chicot county, Arkansas Territory, this twenty-ninth day of July, eighteen hundred and thirty-five.

CATHERINE DE VILEMONT,	[ L. s. ]
PEDRO DE VILEMONT,	[ L. s. ]
CARLOS DE VILEMONT,	[ L. s. ]
ZOE DE VILEMONT,	[ L. s. ]
VIRGINIA DE VILEMONT,	[ L. s. ]
URSIN DE VILEMONT,	[ L. s. ]

TERRITORY OF ARKANSAS, *County of Chicot* :

This day personally appeared before me, James Blaine, clerk of the circuit and county court, and ex officio recorder within and for the county aforesaid, Catherine de Vilemont, Pedro de Vilemont, Carlos de Vilemont, Zoë de Vilemont, Virginia de Vilemont, and Ursin de Vilemont,

persons well known to me, who acknowledged that they voluntarily executed and signed, sealed and delivered, the foregoing letter of attorney for the use and purposes therein mentioned and contained.

In testimony whereof I have hereunto set my hand and caused the seal of office to be affixed to the same, at Columbia, this  
[L. s.] twenty-ninth day of July, eighteen hundred and thirty-five, and of the independence of the United States of America the sixtieth.

JAMES BLAINE,  
*Clerk and ex officio Recorder.*

**TERRITORY OF ARKANSAS, county of Chicot :**

I, James Blaine, clerk of the circuit and county courts and ex officio recorder in and for the county aforesaid, do hereby certify that the foregoing power of attorney (from Catherine de Vilemont, Pedro de Vilemont, Carlos de Vilemont, Zoë de Vilemont, Virginia de Vilemont, and Ursin de Vilemont, to Louis Janin) is a true and correct copy of the original filed in my office for record this day.

In testimony whereof, I have hereunto set my hand and caused the seal of office to be affixed to the same, at Columbia, this twenty-  
[SEAL.] ninth day of July, in the year of our Lord one thousand eight hundred and thirty-five, and of the independence of the United States of America the sixtieth.

JAMES BLAINE, *Clerk,*  
*and ex officio recorder.*

I join in the above power of attorney to Ls. Janin, Esq., as if I had originally been a party thereto.

NEW ORLEANS, *June 27, 1836.*

LS. DE VILEMONT.

U. DE VILEMONT, witness.

I, the undersigned James Blaine, husband of the above-named Zoë de Vilemont, do join in the above power of attorney.

COLUMBIA, (Arkansas,) *September 19, 1836.*

JAMES BLAINE,

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No. 21.

*Plat of fractional township fifteen, south of the base line of range one, east of the fifth principal meridian.*

[Here, in the original, follows the plat.]

LAND OFFICE, HELENA, ARKANSAS,

*October 22, 1836.*

I, Henry L. Biscoe, register of said office, do hereby certify that all the lands at Point Chicot, county of Chicot, and State of Arkansas, as rep-



resented in the annexed plat, to wit: all of fractional township fifteen, south of the base line of range one, east of the fifth principal meridian, has been reserved from sale for the purpose, as is alleged, of satisfying a grant of land made by the Spanish Government to the late Don Carlos de Vilemont, late Spanish commandant at the post of Arkansas. And I do further certify that I have heard of the existence of such a grant of land, from general rumor, ever since the year 1821, when I first came to Arkansas. Given under my hand this 22d October, 1836.

H. L. BISCOE, *Register.*

No. 22.

GENERAL LAND OFFICE,  
17th June, 1836.

SIR: It having been represented to this office that entries have been permitted at your office of lands within the limits of the "Houma grant," as claimed before the board of commissioners, I have to advise you that, although this office cannot recognise the claim as confirmed, under any circumstances, to the extent contended for by the parties interested, yet, as the law prohibits the sale of any lands to which a claim was filed in due time, and according to law, with the commissioners, for the purpose of being examined, the sale of any portion of the land within the limits claimed at the time of filing the same with the commissioners is unauthorized, and I therefore have to request that you withhold all the lands within the claimed lines from entry.

You are also requested to furnish this office, as soon as practicable, with an abstract showing all the sales heretofore made within those lines, in order that the issuing of patents thereon may be prevented.

In case you should deem it necessary, you are requested to procure from the Surveyor General a diagram showing the lands included within the Houma grant, as claimed before the commissioners, but to enable him to do so, it will be necessary for you to furnish him with a copy of the report of the commissioners upon the subject.

I am, very respectfully, sir,

Your obedient servant,

ETHAN A. BROWN,  
*Commissioner.*

The REGISTER OF THE LAND OFFICE  
at New Orleans, La.

I, B. Z. Canonge, register of the land office at New Orleans, do hereby certify the foregoing to be a true copy of the original letter deposited in this office.

In faith whereof, I hereunto subscribe my name this 15th December, 1836.

B. Z. CANONGE, *Register.*

MEMORIAL OF HORACE F. WALWORTH AND OTHERS,  
OF ARKANSAS,

*Remonstrating against the confirmation of the title to land in that Territory, derived from a Spanish grant to Carlos de Vilemont.*

IN SENATE, MARCH 11, 1836.—Ordered to be printed.

*To the honorable the Senate and House of Representatives of the United States:*

The memorial of H. F. Walworth, B. L. Miles, and others, respectfully sheweth :

That your memorialists and other citizens of the United States and of the Territory of Arkansas, feel themselves much interested in a portion of what they conceive to be the public lands of the Government within the said Territory, but which is claimed by certain individuals under a pretended Spanish grant to a certain Carlos de Vilemont.

Your memorialists and other citizens, many years ago, encouraged by the pre-emption laws of the United States, believing that the title to this land had passed to the United States, and finding it unoccupied, and as far as they had any opportunity of knowing, unclaimed, made their settlements and improvements thereon, at great labor and expense, and subjected themselves to all the hardships incident to a new settlement; and now that they find themselves established in comfortable homes, and improved plantations, with every prospect of having their titles to the land they thus occupy confirmed according to the provisions of the laws under which they were invited to improve them, they learn that an old stale claim under a Spanish paper, dated in 1795, which never had been followed by any possession on the part of the grantee, nor even surveyed or in any manner recognised by the Spanish Government, at the time of the cession of this Territory to the Government of the United States, but which, if it ever gave any right to the grantee, gave only the right to do certain acts within a limited time, in order to obtain thereby a title to the land, no one of which acts ever was done, so as to impose any obligation either upon the Spanish or American government to grant the said land to the person named in the said paper, hath been set up, by certain speculators or purchasers of the said pretended title, to defeat the just rights of your memorialists and of the public.

Your memorialists state that, although under a former commission to report on the validity of Spanish grants, this claim was rejected, yet it hath at last, by dint of importunity, and without a full and sufficient opportunity given to your memorialists to contest it, received a favorable report from the commissioners now acting under the authority of Congress in reporting on those grants.

This concession, as it is called, with the approval of the said commissioners, appears in the report of claims acted on by them and reported to the last session of Congress, recommending that it be confirmed for two leagues of land in front by one league in depth, without any survey having been made, or any particular and definite location being given to it, or any principle established by which its location can be fixed : so that

your memorialists are utterly at a loss to know what particular portions of land may be covered by the claim ; the terms of description used in the paper being so loose and indefinite as to create alarm and apprehension among all the occupants of the public lands in that part of the Territory : so that your memorialists would contend, if there were no other objections to the paper, and if it were in fact a grant regularly issued, that it was void, for uncertainty. It does not describe the land so that it could be located ; it being entirely uncertain whether it was to be on island of Chicot, or on either, or which side of the river, and no doubt was thus vaguely, purposely expressed, that the party in whose favor it was executed might select the location he preferred—the paper being not a grant, but a mere promise to grant thereafter, if the party should comply with the prescribed conditions within the limited time, establish himself on the land, and exhibit a plat and certificate of survey. These are the express terms of the paper which has been thus recommended to be confirmed, and it is not pretended that at the time of the cession any such possession had been taken, or location selected, or survey made, although the paper bears date in 1795, and one of the conditions was required to be performed “in the peremptory term of one year,” and the whole to be null, if the land should not be established “at the expiration of the precise term of three years.”

As to the performance of these conditions, some proof was attempted to be offered to the commissioners of a settlement by Vilemont prior to 1803, and his having an agent there in that year ; but this was contradicted by two of the claimant's own witnesses, Vaugine and Bougy, who swear that there could be no settlement there till 1803, on account of the hostility of the Indians. Opposed to this contradicting evidence on the part of the claimants, your memorialists are prepared with abundant and undoubted evidence to show that neither de Vilemont, nor any of his agents or family, attempted a settlement at Point Chicot until 1810 or 1811 ; that for years after the cession to the United States, he never imagined that this paper, under which he had leave to establish himself upon land, the precise location of which he was to determine, and which he knew he had never done an act to entitle himself to, could be set up against the United States as a grant which, under the cession, they were bound to acknowledge. It was not until then, upon some suggestion, no doubt, from persons who supposed that something might be made out of the claim, that he was seen to make his first movement towards complying with the conditions on which he was to be allowed a grant by the Spanish Government, or to set up any pretensions to a title under this antiquated paper.

The commissioners say, in their report, that this claim ought to be confirmed according to the concession, reference being had to the opinion of Judge Smith, as afterwards sustained by the decision of the Supreme Court of the United States in the case of Arredondo and others against the United States.

Your memorialists are advised that there is nothing in the case thus referred to that can give any sanction to this claim. On the contrary, the principles there decided will show that this concession can have no validity.

In the case of Arredondo, it was held by the court that, at the date of

the Spanish treaty, the time for fulfilling the conditions of the grant had not expired; that the eighth article of the treaty provided that in all cases further time should be allowed the grantees to fulfil the conditions, equal in extent to the time originally allowed them by the terms of the concession from the Spanish Government; and further, that the performance of the conditions was rendered impracticable after the cession of the lands to the American Government, so that the grantees could not be held, in a court of equity, to have forfeited their title by the non-performance of the conditions.

In the present case, not one of these grounds for sustaining the claim by an extension of the time of performing the conditions, or dispensing with the performance, can be found.

The concession was dated in 1795, limiting the time of performing the conditions to one and three years. Spain retained the dominion of the country for five years; so that at the time of the cession to France, the year 1800, it had become null and void by its terms. While France retained the dominion of the country, nothing was done to perform the conditions, or to obtain any recognition by that Government of the validity of the concession.

In 1803, therefore, when the lands were ceded to the United States, there could be no original Spanish claim which had become more entirely extinct; and if this should be confirmed, there can no doubt be found hundreds of others which had been extinguished, equally entitled to be revived.

But if the time for performing these conditions had not expired in 1803, still there would be no such provision for extending that time as is contained in the eighth article of the Florida treaty.

And again, if there was, and the United States could be considered as in any manner bound to allow the grantee the same time originally provided in the original concession for the performance of the conditions, that is, one and three years from the time of the cession; that time, thus extended, having expired from 1803, before the grantee complied with the conditions, would again and equally nullify the claim. The remaining ground taken in the case of Arredondo, is also inapplicable here. There, the conditions were the removal and establishing on the lands two hundred Spanish families, and this was held a condition rendered impossible or immaterial after the treaty brought the lands within the dominion of the United States, so that the title of the grantees could not be forfeited when the grantor had, by the cession of the territory to another Power, virtually dispensed with the condition of the grant.

But here the condition was, that the grantee should take possession, establish and improve the land, and return a survey and plat. De Villemont, after 1803, might have done this. His own proof shows that there was then no hostile Indians, nor any other pretext for delaying the performance of these conditions. Had he remained in the Territory after 1803, and claiming to be excused for not entering upon, designating, and improving the lands before then, on account of the hostility of the Indians, proceeded then to fulfil the terms of the concession by taking possession, procuring a survey, and claiming the confirmation of his title, he might possibly have been enabled to show some claim to have his pretensions fairly considered.

But if, instead of this, on the cession and the establishment of the American Government in the territory thus acquired, he retires within the Spanish Government in Florida, (as can be proved to have been the case,) makes no claim under this expired concession, nor any effort to take possession of the lands, and so remains in the Spanish dominions till 1809 or 1810, how can he, or those who claim under him, expect to be listened to when they attempt to set up this doubly-extinguished and long-abandoned concession?

Your memorialists therefore object to the confirmation of this paper—  
1st. Because it is vague and indefinite in its terms, and instead of having that reasonable certainty required to the validity of a grant, is not susceptible of location.

2d. Because the limitation for the performance of the conditions had expired before the cession from Spain in 1800. And,

3d. Because, on the acquisition of the territory by the United States in 1803, the grantee, instead of making his claim and attempting to perform the conditions, abandoned the country and his claim.

Your memorialists, therefore, trust that an obsolete and abandoned claim, under a paper requiring a fulfilment of its terms, and looking to a completion of title on such fulfilment in 1790, and declared to be null if by that time no such fulfilment should appear, shall no longer be allowed to interfere with the just rights of your memorialists, and the interest and policy of the Government in the settlement, sale, and improvement of the public lands.

These lands, your memorialists beg leave to state, were surveyed as other public lands, in the year 1823; and some portions which have been supposed to lie within what are understood to be claimed as the limits of this pretended grant, have been sold and patented by the Government. On other portions of the land so understood to be claimed, many citizens of the United States have been long settled; many ever since the survey in 1823, and many long before; and the improvement and settlement of this part of the Territory is greatly retarded by the doubts necessarily existing as to the ultimate disposition of these lands.

They, therefore, respectfully ask that this claim be rejected, and the lands declared open for sale and entry, according to the provisions of the land laws of the United States.

They present herewith, certain depositions which they had no opportunity of laying before the commissioners, and will be prepared to sustain the statements herein made by other evidence, if required.

HORACE F. WALWORTH,  
BENJ. L. MILES, *and others.*

### DEPOSITIONS.

The deposition of John A. Holton, taken at the office of Lewis Madison, in the city Louisville, to be read before the Congress of the United States, in support of a remonstrance of Horace F. Walworth against the claim of Don Carlos de Vilemont to a tract of land on Point Chicot, in the Territory of Arkansas. The deponent being sworn to tell the truth and nothing but the truth.

Being interrogated, he states that his first acquaintance at Point Chicot

was in 1809, but he had been down the river in 1808, but does not recollect any thing of Point Chicot until July or August, 1809. I landed the barge *Eliza*, then in distress, on account of the sickness of the crew, and remained twenty-nine days. There was a settlement or a house built on the bank, I think a log cabin, occupied by a Spaniard named *Malbrough*; it being the only settlement on the point, with the exception of one, about a mile lower down the river. I thought it was a very recent settlement, and was confined to a small rail fence around the cabin. I do not know that they raised any thing. It is my impression that they did not. It was a small cabin. I thought the Spaniard appeared to live by hunting, and trading with boats passing up and down the river. I did not see the settlement said to be about a mile below the Spaniard's, but was told by the men on my boat that it was occupied by an Englishman. I understood it was such a settlement as *Malbrough's*, and not a plantation or place under cultivation. And further this deponent saith not.

JOHN A. HOLTON.

STATE OF KENTUCKY, }  
*Jefferson County.* } ss.

The foregoing deposition of John A. Holton was this day taken, subscribed, and sworn to, by the said John A. Holton, before the undersigned, a justice of the peace for said county, and one of the judges of the county court of Jefferson county.

The deponent was examined, cautioned, and sworn, and his deposition wholly written by me, at the time and for the purpose stated in the caption thereof.

Given under my hand, this 18th day of February, 1836.

LEWIS MADISON, J. P. J. C.

I have sealed and addressed this deposition to the Congress of the United States.

LEWIS MADISON.

TERRITORY OF ARKANSAS, }  
*County of Chicot.* }

Personally appeared before me, an acting justice of the peace, Henry Baker, of lawful age, who being duly sworn, deposeth that, in the year of 1809, about the month of February, that he cut and put in a raft of timber of cypress trees, on section 24, township 155, 1 west, and section 18, township 15, 1 east; and the intermediate fractions of section 13, 1 west, as now appears from public surveys, now made, and further states that there were no settlements on what is now known as Point Chicot, except John Baptist, alias *Malbrough*, alias *Daigle*, and Joseph *Huttsel*, who were living upon what is now known as section 4 and 5; and there were no other settlements between the mouth of White river and the mouth of the Yazoo, and the said *Malbrough*, alias *Daigle*, and Joseph *Huttsel*, lived in picket camps; and neither of those settlers were known or surmised as agents of Don Carlos de Vilemont; and the deponent further states that there were no road or roads from Point Chicot to the post of Arkansas, and there is not to this day any public road from

Point Chicot to the post; and the deponent further states that he was acquainted on the river as early as 1805, and that there was no serious danger to be apprehended from the Indians. And further deponent saith not.

HENRY BAKER, his x mark.

Sworn to and subscribed before me, this 24th day of November, 1835.

JAMES BLAINE, J. P.

TERRITORY OF ARKANSAS, }  
County of Chicot. }

I, James Blaine, clerk of the circuit county court, and ex officio recorder within and for the county aforesaid, do hereby certify that James Blaine, whose name is subscribed to the annexed affidavit, as the officer before whom the same was made, is and was at the time of taking the same, an acting justice of the peace within and for the county aforesaid, duly commissioned and qualified, and that full faith and credit are due and ought of right to be given to all his official acts as such.

In testimony whereof, I have hereunto set my hand and affixed the seal of office, at Columbia, this 24th day of November, A. D. 1835, and of the independence of the United States the sixtieth.

[L. s.]

JAMES BLAINE, Clerk.

UNITED STATES OF AMERICA, *Territory of Arkansas, county of Chicot:*

Personally appeared before me, an acting justice of the peace for the county of Chicot, Joseph Egg, who, being duly sworn, deposeth that he commenced ascending and descending the Mississippi, in 1804, as a bargeman, and continued as a bargeman regularly until 1808, and says that there was no improvement or settler at Point Chicot, or, to the best of his knowledge, there was no improvement from the mouth of the St. Francis to the Yazoo.

JOSEPH EGG.

Sworn to and subscribed before me, an acting justice of the peace for Chicot county, this 20th day of July, 1835.

W. P. REYBURN, J. P. [SEAL.]

UNITED STATES OF AMERICA, *Territory of Arkansas, county of Chicot:*

Personally appeared before me, an acting justice of the peace for the county and Territory aforesaid, Isaac Moore, who, being duly sworn, says that, in October, 1811, his father, as the agent of Don Carlos de Vilemont, settled at Point Chicot; that at the time of the arrival of his father, Amos Moore, at Point Chicot, there appeared to have been a small improvement of about a half acre, which appeared to have been made about one year; and that his father, Amos Moore, remained there until 1819; and further the deponent saith not.

ISAAC MOORE.

Sworn to and subscribed before me, a justice of the peace for the county and Territory above written, this 21st day of October, A. D. 1835.

W. P. REYBURN, J. P.

**TERRITORY OF ARKANSAS, *County of Chicot* :**

I, James Blaine, clerk of the circuit and county courts and ex officio recorder within and for the county aforesaid, do hereby certify that William P. Reyburn, whose name is subscribed to the foregoing affidavit, as the officer before whom the same was made, is, and was at the time of taking the same, an acting justice of the peace within and for the county aforesaid, duly commissioned and qualified, and that full faith and credit are due, and ought of right to be given, to all his official acts as such.

In testimony whereof, I have hereunto set my hand and affixed the seal of office, at Columbia, this 24th day of November, in the year of our Lord one thousand eight hundred and thirty, and of the independence of the United States the sixtieth.

**JAMES BLAINE, *Clerk, &c.***

The deposition of Gabriel Winter, taken in the city of Louisville, State of Kentucky, on the 30th day of September, 1835, before Gabriel J. Johnston, a justice of the peace and judge of the county court of Jefferson county, in the State of Kentucky, to be read as evidence before the Congress of the United States, in support of the remonstrance of Horace F. Walworth against the confirmation of the claim of Don Carlos de Vilemont, to a tract of land on Point Chicot, in the Territory of Arkansas.

The deponent, being of lawful age, and first duly sworn, deposes and says that he was at the post of Arkansas in the spring of 1798, and was well acquainted with Don Carlos de Vilemont, (who was the military commandant of the said post, and a captain in the service of his Majesty the King of Spain.) He frequently heard said Don Carlos de Vilemont speak of a grant which he had for a tract of land at Point Chicot, on the Mississippi river, situated immediately below a large cypress swamp or bend, having a front of two leagues by one league in depth; that in the spring of 1803 he was on said land, and there was not, at that time, any appearance of improvement on the said point, nor did he, at any time up to that period, understand that any improvements had been made, nor was there any roads, leires, house, or inhabitants, on the said river, between Little prairie and the Walnut hills; that in 1809, the said Vilemont informed him, (the deponent,) in New Orleans, that he was then going up to make a settlement and live upon said land. Deponent further states that, in his opinion, and to the best of his recollection, there was no improvement made on said land previous to 1809; and further saith not.

**GABRIEL WINTER.**

**STATE OF KENTUCKY, *Jefferson county, ss* :**

I, G. J. Johnston, a justice of the peace and one of the judges of the county court of said county, do hereby certify that the foregoing deposition of Gabriel Winter was reduced to writing by me, in the presence of said Winter, and having been carefully read over by me to him, was then subscribed and sworn to by him in my presence, at the time and place, and for the purpose stated in the caption thereof.

Given under my hand and seal, this September 30, 1835.

**G. J. JOHNSTON, *J. P. J. C.***



I, Worden Pope, clerk of the county court of Jefferson county, in the State of Kentucky, and keeper of the seal of said county, do certify that G. J. Johnston, Esq., who has signed the above certificate, was, at the date thereof, an acting justice of the peace in and for said county, duly commissioned and sworn, and that full faith and credit are due to all his official acts.

In witness whereof, I have heretofore set my hand and the said  
[ SEAL. ] seal, this 7th day of December, 1835, and in the 44th year of the commonwealth.

WORDEN POPE.

ST. LOUIS, *October 4, 1813.*

Carlos de Vilemont, claiming two leagues of land in front by one league in depth, situate at fifteen miles below the mouth of Arkansas, on the Mississippi, at a place called Island of Chicot, produces concession from Baron Carondelet, dated 17th June, 1795.

Joseph Bougy, duly sworn, (*sworn*,) says that, in 1795, claimant proposed to witness to settle on this tract, promising to give him the choice of situations on it, a tract for his own use; witness declined, on account of the supposed danger from the Indians. Indeed, the neighboring Indians were at that time so hostile as to render it unsafe—they often committed outrages even in the village. Claimant was known as a Spanish officer, and commandant of the post of Arkansas, from the year 1794 till 1802. The danger from the Indians continued until the year 1803.

Francis de Vaugine, duly sworn, says that the Indians continued so unfriendly, or rather, hostile, as to make it altogether unsafe to settle at the Isle of Chicot till the year 1803.

*Saturday, November 1, 1834.*

The Board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, J. S. Mayfield, commissioners.

Carlos de Vilemont, claiming two leagues of land in front by one league in depth, situate Point Chicot, (see record-book F, page 1; Bates's minutes, page 58; Bates's decisions, page 24,) produces a paper purporting to be an original concession from the Baron de Carondelet, Governor General of Louisiana, dated 17th June, 1795.

M. P. Le Duc, duly sworn, says that the signature to the concession is in the true handwriting of the said Baron de Carondelet.

Adjourned until Monday next, at nine o'clock, A. M.

F. R. CONWAY.

JAMES S. MAYFIELD.

JAMES H. RELFE.

*Tuesday, December 2, 1834.*

The Board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, J. S. Mayfield, commissioners.

In the case of Carlos de Vilemont, claiming two league in front by one league in depth. See book No. 7, page 62.

Pierre Chouteau, senior, duly sworn, says that the signature to the concession is in the true handwriting of the Baron de Carondelet; that he, Chouteau, first became acquainted with said de Vilemont in the year 1776 or 1777; that he knows that said de Vilemont was captain in the Spanish service; that in 1802, witness, going down to New Orleans in a boat, stopped at the mouth of Arkansas river, having some business to transact with Joseph Bougy, senior, who lived at the post of Arkansas; that said Bougy told witness that de Vilemont (who was Bougy's son-in-law) had made a settlement at Point Chicot; that witness, on his return in the summer of 1803, stopped at Point Chicot, expecting to meet with de Vilemont, but de Vilemont had gone down to New Orleans; that his agent, living at Point Chicot, gave witness vegetables of all kinds, poultry, &c.; that the improvements witness saw, consisted of log houses and gardens—he did not see any fields—they might have been further in the interior; the houses, as well as he can recollect, had the appearance of having been built two or three years before.

Witness further says that he was well acquainted with Joseph Bougy, senior, who testified in this case before Recorder Bates, that said Bougy, senior, was a man of good character, known by every body for a man of veracity, and who could be relied upon.

Witness further says that the de Vilemont family resided on said place, but does not know how long.

Adjourned until to-morrow, at nine o'clock, A. M.

JAMES S. MAYFIELD,  
JAMES H. RELFE,  
F. R. CONWAY.

*Wednesday, December 3, 1834.*

The Board met, pursuant to adjournment. Present: F. R. Conway, J. S. Mayfield, J. H. Relfe, commissioners.

253. Carlos de Vilemont, claiming two leagues in front, by one league in depth. See No. 7, page 62.

The Board are unanimously of opinion that this claim ought to be confirmed to the said Carlos de Vilemont, or to his legal representatives, according to the concession, reference being had to the opinion of the honorable Joseph L. Smith, judge of the superior court for the district of East Florida, as afterwards sustained by the decision of the Supreme Court of the United States, in the case of Arredondo and others against the United States.

The Board adjourned until to-morrow, ten o'clock, A. M.

F. R. CONWAY,  
JAMES H. RELFE,  
JAMES S. MAYFIELD.

*RECORDER'S OFFICE, St. Louis, Missouri, April 9, 1835.*

The foregoing is truly extracted from the minutes of record in this office.

F. R. CONWAY,  
*Recorder of Land Titles.*

Warrant or order of Survey.	Survey.	Notice to Recorder.	Land Claimed.	Where Situated.	Possession, inhabitation, or cultivation.	Opinions of the Recorder.
Baron Carondelet, June 17, 1795.	Special Location.	Carlos de Vilemont.	Two leagues in front by one league in depth.	Opposite Isle Chicot, 15 miles below mouth of Arkansas river.	Danger from Indians prevented settlement.	Not confirmed, conditions not complied with, F. P. 1.

RECORDER'S OFFICE, SAINT LOUIS, MISSOURI,  
October 18, 1830.

I certify that the foregoing is truly extracted from the decisions of Frederick Bates, Esq., (then recorder of land titles,) on land claims, since the adjournment of the Board of Commissioners for adjusting claims to land, as appears in book No. 2, page 24, in this office.

F. R. CONWAY,  
Recorder of Land Titles.

FORT ST. ESTEVAN, (ST. STEPHEN,) ARKANSAS.

May 10, 1795.

*To the Governor General:*

Don Carlos de Vilemont, captain in the regiment of infantry of Louisiana, civil and military commandant of the post of Arkansas, and its districts, with due respect states to your lordships that, wishing to establish a plantation and a stock farm, in order to supply the consumption of this post, in which the scarcity of horned cattle is so great that, during many months in the year, meat cannot be procured, although it is an indispensable article to life, he supplicates your lordship to be pleased to grant to him a tract of land of two leagues in front by one league in depth, to be comprised within parallel lines, in the place called Chicot island, at the distance of twenty-five leagues below the mouth of Arkansas river; the cypress swamp of Chicot island is to serve as of upper limit; a favor which he expects to receive of your lordship's benevolence.

CARLOS DE VILEMONT.

NEW ORLEANS, June 17, 1795.

The Surveyor General of this province, or one appointed by him, shall put this party (the petitioner) in possession of the tract of land, of two leagues in front by one league in depth, which he solicits, in the place designated in the foregoing memorial, provided they are vacant and do not cause prejudice to any one; under the express condition to make the road and regular clearing in the peremptory term of one year; and this concession to be null if, at the expiration of three (years) the said land should not be established; during which time it shall not be alienable. Under which conditions, the plat and certificate of survey shall be made out in continuation, in order to provide the interested with the corresponding title in form.

EL BARON DE CARONDELET.

*Registered.*

ST. LOUIS, November 9, 1833.

Truly translated from a copy of the records, certified by F. R. Conway, recorder of land titles.

JULIUS DE MUN, T. B. C

## LIVRO DE CORESPONDENCIA CON EL SR. GOVERNADOR.

## No. 1.

Participo á V. S. haver llegado con toda felicidad á este puerto el dia 11 de este mes, y desde luego tomé posesion del mando politico y militar de este fuerte y su distrito qe. se ha servido V. S. poner á mi cargo.

Diós guarde á V. S. muchos años. Fuerte de San Estevan, Arkansas, 12 de Julio de 1794. Carlos de Vilemont. Sor. Baron de Carondelet.

## No. 2.

Careciendo en este puerto de todo alivio pa. los enfermos, y hallandose sumamente malo los soldados Juan Biana de la 3 del 1, y Anto. Morillo de la 6 de B. he determinado dirigirlos al Rl. Hospl. de Noyales, quedando con el Capn. D. Ignacio Delino, qe. me embiara pr. la primera ocasion el remplazo de los citados, pa. el completo de este Destacamento, lo qe. pongo á noticia de V. S. pa. su conocimiento.

Diós guarde á V. S. muchos años. Fuerte de San Estevan de Arkansas, 13 de Julio de 1794. Carlos de Vilemont. Sor. Baron de Carondelet.

## No. 3.

Hé recibido el regalo delos Indios qe. venia á cargo del patron Ambrocio Crevé, conforme consta por la relacion el dia anterior de la fha.

Diós guarde á V. S. muchos años. Fuerte San Estevan de Arkansas, 28 de Julio de 1794. Carlos de Vilemont. Sor. Baron de Carondelet.

## No. 4.

Enterado dela de V. S. con fha. de 7 de Junio devo participarle á V. S. qe. haviendome informado pr. diferentes abitantes de satisfaccion de este puerto, sercierto, y veridico la tierra desmontada que pide Da. Maria Feliciana de Morant, la misma qe. era mas comoda pa. la calle que se avia solicitado, á lo que inmediatamente pa. informacion de testigos le hedado á la dha. Da. Maria toda la justicia que V. S. me ordena, dandole la posecion que es necesaria de todas sus propiedades, lo que pongo á noticia de V. S. pa. su conocimiento.

Diós guarde á V. S. muchos años. Fuerte San Estevan de Arkansas, 29 de Julio de 1794. Carlos de Vilemont. Sor. Baron de Carondelet.

## No. 5.

He recibido la de V. S. confecha de 8 de Junio procimo pasado, en la qe. incontinente mandé juntar la Compa. de Miliosa dandoles á reconocer por The. y subthe. á los nombrados que V. S. expone en su escrito lo qe. pongo a noticia de V. S. pa. su inteligencia.

Diós guárde á V. S. muchos años. Fuerte San Estevan de Arkansas, 29 de Agosto de 1794. Carlos de Vilemont. Sor. Baron de Carondelet.

## No. 6.

Haviendo recibido la de V. S. con fha. de 22 de Julio devo participarle á V. S. qe. en caso qe. hubiere tal novedad, tomare todas las precauciones qe. V. S. mi ordena, mandando inmediatamente las ordenes á los puertos qe. V. S. me relaciona, la qe. participo á V. S. pa. su conocimiento.

Diós guárde á V. S. muchos años. Fuerte San Estevan de Arkansas, 29 de Agosto de 1794. Carlos de Vilemont. Sor. Baron de Carondelet.

## No. 7.

Participo á V. S. de haver llegado del puerto de Noyales los sold. Franco Lopez dela 4 del 1 y Juan Languies dela 3 del 2 en remplazo de Juan Biana dela 3 del 1 y Anto. Morillo de la 6 de Yd. delos que dis parte á V. S. en oficio No. 2.

Diós guárde á V. S. muchos años. Fuerte San Estevan de Arkansas, 6 de Fbre. de 1794. Carlos de Vilemont. Sor. Baron de Carondelet.

## No. 8.

El Capitan D. Ignacio Delino, me tiene entregado dos pequeñas medallas para Gefé, lo qe. pongo á noticia de V. S. para su concimiento.

Diós guárde á V. S. muchos años. Fuerte San Estevan de Arkansas, 6 de Fbre. de 1794. Carlos de Vilemont. Sor. Baron de Carondelet.

## No. 9.

Haviendose juntado los Indios dela nacion de este distrito de Arkansas para recibir sus regalos, se han quejado todos los Gefes, diciendome qe. V. S. les mandaba mui pocas cosas, principalmente el gran Gefé Guaticés, merefirió este dho que se havia hallado al regalo qe. V. S. mando dar álos Chikasas Sr. D. Pedro Rusau, viendo que lo suyo en comparacion de áquellos era muy pocó, me hase presente su sentimiento para que le espresise á V. S. á fin de que seles aumente mas el regalo y igualmente mantas chicas pa. los niños, lo que pongo á noticia de V. S. para su conocimiento.

Diós guárde á V. S. muchos años. Fuerte San Estevan de Arkansas, 6 de Febre. de 1794. Carlos de Vilemont. Sor. Baron de Carondelet.

## No. 10.

Participo á V. S. como no se pueden contenir á los Chikasas, de robar los cavallos delos abitantes, y matar al ganado bacuno ; aunque los tengo hablado, y regañado para este fin, lo qe. pongo á noticia de V. S. pa. su conocimiento.

Diós guárde á V. S. muchos años. Fuerte San Estevan de Arkansas, 7 de Fbre. de 1794. Carlos de Vilemont. Sor. Baron de Carondelet.

No. 11.

Participo á V. S. como el soldado Manuel de Silva de la 4 compa. del 1er baton. fallecio en este puerto el dia 26 de Sepbre. de 1794, lo que pongo á noticia de V. S. pa. su conocimiento.

Diós guárde á V. S. muchos años. Fuerte San Estevan de Arkansas, 2 de Octubre de 1794. Carlos de Vilemont. Sor. Baron de Carondelet.

No. 12.

Participo á V. S. como se nesecita una drisa para el palo del hasta Bandera, y una querdá de quarenta y cinco prës de lango, juntamenre dos cubos para sacar agua del pozó.

Diós guárde á V. S. muchos años. Fuerte San Estevan de Arkansas, 6 de Novembre de 1794. Carlos de Vilemont. Sor. Baron de Carondelet.

No. 13.

Se ha concluido el pozo de este Fuerte, lo que participo á V. S. pa. su inteligencia.

Diós guárde á V. S. muchos años. Fuerte San Estevan de Arkansas, 6 de Novembre de 1794. Carlos de Vilemont. Sor. Baron de Carondelet.

No. 14.

Remito á V. S. el padron delos verinos de este distrito de mi caryo.

Diós guárde V. S. á muchos años. Fuerte San Estevan de Arkansas, 7 de Novembre de 1794. Carlos de Vilemont. Sor. Baron de Carondelet.

No. 15.

Recibi lade V. S. de 1o. de Septiembre de 24 en que mi dice haver tomado posecion dela Intendencia de estas Provincias el 1o. Intendente de exercito D. Franco. Rendon.

Diós guárde á V. S. muchos años. Fuerte San Estevan de Arkansas, 16 de Diziembre de 1794. Carlos de Vilemont. Sor. Baron de Carondelet.

No. 16.

Hallandose vacante de Gefé de pequeña Medalla del tercero vilache de esta nacion Arkansas por muerte de Huatiroumonzis que la obtenia, y dos de Gola del segundo vilache, por fallecimientos de Zenomony, y Parimony, siendo necesario proveerlos en Indios de buenas costumbres y fidelidad á la Espana; propongo á V. S. para el de pequña Medalla al Gefé de Gola, Cozennopavais, y pa. los de Gola á Huahitaze, y Monzontífutes, por concurrir en ellos las circunstancias qe. se requiere pa. estos empleos.

Díos guarde á V. S. muchos años. Fuerte San Estevan de Arkansas, 20 Dre. de 1794. Carlos de Vilemont. Sor. Baron de Carondelet.

## No. 17.

Participo á V. S. en haver entregado á D. José Bougy, una livrama contra la contaduria de 100 pesos por la echura del pozo que á echo fabricar en este fuerte.

Díos guarde á V. S. muchos años. Fuerte San Estevan de Arkansas, 26 de Diziembre de 1794. Carlos de Vilemont. Al Sor. Baron de Carondelet.

## No. 18.

Participo á V. S. como el soldo. José Anto. Nieto dela 1a. compa. del 2 batallon fallecio en este puerto el dia 31 de Dizre. de 1794, lo que noticia á V. S. pa. su conocimiento.

Díos guarde á V. S. muchos años. Fuerte San Estevan de Arkansas, 5 de Enero de 1795. Carlos de Vilemont. Sor. Baron de Carondelet.

## No. 19.

Participo á V. S. de haver renganchado por ocho años mas á el Tambor de esta guarnicion Luis Bonantan, dela 3 del 2 á quien hedado 80 rs. de gratificacion lo que aviso á V. S. pa. su conocimiento.

Díos guarde á V. S. muchos años. Fuerte San Estevan de Arkansas, 20 de Marzo de 1795. Carlos de Vilemont. Al Sor. Baron de Carondelet.

## No. 20.

Ha llegado á este puerto el soldo. de la 3 del 2 Tomas Lopez, en relevo del de la 7 de dho. José Anto. Nieto.

Díos guarde á V. S. muchos años. Fuerte San Estevan de Arkansas, 20 de Marzo de 1795. Carlos de Vilemont. Sor. Baron de Carondelet.

## No. 21.

Quedo enterado de lo qe. V. S. me expone en la suya con fha. de 1 de Febrero po. po.

Díos guarde á V. S. muchos años. Fuerte San Estevan de Arkansas, 23 de Marzo de 1795. Carlos de Vilemont. Sor. Baron de Carondelet.

## No. 22.

Participo á V. S. haver recibido las tres patentes de los tres Gefes de nacion Arkansas, y de faltar las dos Golas, y medalla para sus divisas.

Díos guarde á V. S. muchos años. Fuerte San Estevan de Arkansas, 23 de Marzo de 1795. Carlos de Vilemont. Sor. Baron de Carondelet.



## No. 23.

Participo á V. S. como estamos amenazados por algunos Chactas qe. deven venir en todo Agosto en el numero de 500 hombres para atacarnos, y desacer enteramente los vilaches de esta nacion de Arkansas. El disgusto que ellos han tenido dimande algunas riñas á puñitazos con los de esta nacion causado por qe. los Chactas violaron algunas de sus mugeres, á su salida de aquí rubaron ocho cavallos á diferentes abitantes.

Haviendo savido que los que hicieron estas amenazas permanecian parte de ellos en el Ouachitá he hallado ábien de escribirla al comandante de dho. puerto D. Juan Vilhiol, sobre lo que le tengo referido á V. S. ygalmente que al Capn. de Granad. D. Juan de la Villeboeuf, lo que pongo á noticia de V. S. pa. su inteligencia.

Diós guárde á V. S. muchos años. Fuerte San Estevan de Arkansas, 29 de Junio de 1795. Carlos de Vilemont. Sor. Baron de Carondelet.

## No. 24.

En mi oficio No. 12, participé á V. S. come se necesitaba una drisa para el Asta de Bandera, una Cuerda, y dos bales para sacar agua del pozo á la presente nose han recibido, y hasen notable falta lo qui pongo á noticia á V. S. para su inteligencia.

Diós guárde á V. S. muchos años. Fuerte San Estevan de Arkansas, 24 Julio, 1795. Carlos de Vilemont. Sor. Baron de Carondelet.

## No. 25.

Quedo enterado del oficio de V. S. con fha. de 9 Junio, 1795, de lo que devo practicar sin fueran á tacado las Barrancas.

Diós guárde á V. S. muchos años. Fuerte San Estevan de Arkansas, 24 Julio, 1795. Carlos de Vilemont. Sor. Baron de Carondelet.

## No. 26.

Noticio á V. S. haver renganchado par ocho años mas al solo. de esta guarnicion José Marquez de la 6a. compa. del 20 batallon quien le he hedado ochenta rs. de gratificacion.

Dios guárde á V. S. muchos años. Fuerte San Estevan de Arkansas, 1 Octubre de 1795. Carlos de Vilemont. Sor. Baron de Carondelet.

## No. 27.

Participo á V. S. como el solo. de la 3a. compa. del 1 batallon, Pargal Biriaín fallecio en este puerto el 30 de Septiembre de 1795.

Diós guárde á V. S. muchos años. Fuerte San Estevan de Arkansas, 3 de Octubre, 1795. Carlos de Vilemont. Sor. Baron de Carondelet.

## No. 28.

Remito á V. S. el Padron de los verinos de este distrito de mi. cargo.

Diós guárde á V. S. muchos años. Fuerte San Estevan de Arkansas, 4 Octubre de 1795. Carlos de Vilemont. Sor. Baron de Carondelet.

## No. 29.

Recivi el oficio de V. S. con fha. de 4 de Junio del Corriente, á el que he dado el devido cumplimiento segun V. S. me prescribe en la suya.

Diós guárde á V. S. muchos años. Fuerte San Estevan de 4 de Octubre de 1795. Carlos de Vilemont. Sor. Baron de Carondelet.

## No. 30.

Participo á V. S. de fallar dos solds. para el completo de esta guarnicion, de Templazó de Manuel de Silva, 7 Pasq. Biriain, que ambos fallecieron en este Puerto.

Diós guárde á V. S. muchos años. Fuerte San Estevan 5 de Octubre de 1795. Carlos de Vilemont. Sor. Baron de Carondelet.

## No. 31.

Recivi el oficio de V. S. con fha. 8 de Agosto en ql. medise V. S. lo que devo practicar en el caso de presentanse los Chactás.

Diós guárde á V. S. muchos años. Fuerte San Estevan de Arkanzas, 18 de Diz're de 1795. Carlos de Vilemont. Sor. Baron de Carondelet.

## No. 32.

Participo á V. S. de haver runganena de por 8 años mas al solds. de la 4 company del 1 batallon Pedro la Cruz, á quien hedado 80 muchos de gratificacion.

Diós guárde á V. S. muchos años. Fuerte San Estevan de Arkanzas 19 de Diz're de 1795. Carlos de Vilemont. Sor. Baron de Carondelet.

## No. 33.

Recivi el oficio de V. S. de fecha de 19 de Octubre de 1795, á el que, hedado el devido cumplimiento.

Diós guárde á V. S. muchos años. Fuerte San Estevan de Arkanzas 29 de Febro. de 1796. Carlos de Vilemont. Al Sor. Baron de Carondelet.

## No. 34.

Segun el oficio de V. S. de 21 de Diz're de 1795 en el que medire V. S. de suministrar al comandante de la Galera la Louisiana Don Juan Mentzinger lo que necesitare; devo decir á V. S. como el 25 de este á pasado en frente la enbocadura de este rivera; lo que prueba no haver necesitado de nado.

Diós guárde á V. S. muchos años. Fuerte San Estevan, Arkanzas 29 Febrero de 1796. Carlos de Vilemont. Sor. Baron de Carondelet.

## No. 35.

Con igual fha. horecivido el oficio de V. S. en el que me dise V. S. que siempre que los Ind. continuasen á robar cavallos á los habitantes

podrian estos hacer fuego sobre ellos : Pero sin embargo me atengo á la posterior de V. S.

Díos guarde á V. S. muchos años. Fuerte San Estevan de Arkanzas 19 de Marzo de 1796. Carlos de Vilemont. Sor Baron de Carondelet.

#### No. 36.

Concurriendo en este puerto, tantas naciones diferentes de Ind. sien-do los excesos y robos que cometen á cada instante sin Femor alguno, por la poca guarnicion, y el quedar en esté, muy pocos hombres en tiempo de casa, como todos ellos son casadores ; fuantamente lo arruin-ado de la artilleria, de los 3 canónes, hay dos montados, y estos estan lleno de escarabajo, el sido tan grande que sale el tiro por ellos, por ser muy viejos, y comidos todos de Roña ; delosI pedreros solamente uno pu-de hacer fuego sin Tiesyo, á todo heró el estado indefensó de este Fuerte por allarse enteramente podrida toda la estacada que al menor impetu del viento caer á tierra, lo que participo á V. S. pa. su inteligencia.

Díos guarde á V. S. muchos años. Fuerte San Estevan de Arkanzas 2 de Abril de 1796. Carlos de Vilemont. Sor Baron de Carondelet.

#### No. 37.

En lo qué tengo referido á V. S. en mí oficio, No. 36, sobre la citua-cion de este fuerte, y lo indefensó que se alla por su total ruina.

Devo exponerle á V. S. que en el casó que seaya de nuevo, meparese que seria mejor retirarlo á dos harpanos mas adentro de donde se alla, por el continuo dibordo de la rivera sobre esta banda, para cuyo fin es menester derribar la casa del command. Guarsel, Almacen, y renovar al-gunas prezas que hay podridas en estos edificios. He echo juntar los que se allan mas aptos, y poder, para contraer la contrata siquiente—se obligan hacer la estacada del fho. Fuerte de sipre, labrada á quatro caras, de 1 pulgad.s. en quadro, 15 priz delargo dejandro 12 fuera de la tierra, y 3 dentro, un liston al rudor, y un clavo de ocho pulg. delargo en cada estaca, una banqueta al contorno, las dos esplanadas de los dos Baluartes. Ocho troneras, con surpuertar pa. dentro, y pasadores, una puerta grande, portillo, gonzes, y seraduras conpetentes, hasta de Bandera un pozo ; obligandose pentamente hacer la fha. casa, quartel, y Almacen por el precio de 5—ps. Sera indispensable que V. S. me mande 4 cañones de á 4 con sus cureñas 13 pedreros de los quetiene los pernos de fierro, que sirven á levantar û bajar la apunteria por medio de sus abúfferos—hacien-dose como selo espongo á V. S. sera una obra pa. muchos años y el menos costoso á S. M.

Díos guarde á V. S. muchos años. Fuerte San Estevan de Arkanzas, 2 Abril de 1796. Carlos de Vilemont. Sor Baron de Carondelet.

#### No. 38.

En virtud del oficio de V. S. con fha. de 15 de Febrero de 1796, Devo exponerle á V. S. como habiendo mirado los recivos que existen en los Archivos de esta á favor de Pedro Nitar solamente, quedan Tiete de sus dendoros, y de estos, tan solo dos han satisfecho á sus recivos, el

uno es de 118, y el otro de 50. peros los qe. he entregado á Duchasen Bayonne, los cinco restante estan en la imposibilidad de poder satisfacer à sus dendas, por no tener Bienes, Raiscz, ni Muebles, a la ora que se podra recoger alguna cosa se entregara al otro apoderado.

Diós guárde á V. S. muchos años. Fuerte San Estevan de Arkanzas 3 de Abril de 1796. Carlos de Vilemont. Sor. Baron de Carondelet.

#### No. 39.

No encontrando en este puerto nignun alivio á la enfermedad que padece el Cabo 2 de la 2 del so. Ano. Paulin he determinado remitirlo á hera Cap. pues ademas de su enfermedad se alla cunplido desde el 23 de Junio de 1795, lo que participo á V. S. para su conocimiento.

Diós guárde á V. S. muchos años. Fuerte San Estevan de Arkanzas 7 de Abril de 1796. Carlos de Vilemont. Sor. Baron de Carondelet.

#### No. 40.

He dado cunplimiento al oficio de V. S. de fha. 12 de Febrero 1796, concerniente al Gran Gefe de esta nacion de Arkanzas Onapatrisay.

Diós guárde á V. S. muchos años. Fuerte San Estevan de Arkanzas 30 de Abril de 1796. Carlos de Vilemont. Sor. Baron de Carondelet.

#### No. 41.

En virtud del oficio de V. S. de 28 de Abril de 1796. Devo informar à V. S. como despues de haver tomado á el Cabo, y los dos Solds. que se allaban Destacado en el mes de Marzo en la enbocadura de la Tila de la rivera Blanca las informaciones que V. S. me expresa, no he podido justificar haver cometido semejantes exceos estos se relevan cada mes á su regresó á este el sany lo ú yo, estamos presentes y nunca emos virto traer cosa alguna. Por lo que toca al Sany. que tengo á mi cargo, Digo á V. S. que nunca sca ausentado deste puerto pa. el otro Destao. ny otro parage alguno, este es el motivo porql. no lo mando à la Capl. como me lo dise V. S. en la suya. No dudo, y puede ser muy factible, que algunas personas suviendo en alguna piragua, hallandose necesitados de viveres hayan imbocado el nombre de Jany'so y Solds. pa. con mas facilidad loyrar loql. necesitaban, no existen mas en el Destac. que una Canon, y la tropa que ariva tengo mencionado. Tengo dada la orden de tratar con la mayor dulzura á los que pasan por el Destacto. y nunca meandado la menor queja varios propietarios de embarcaciones que han servido à este.

Diós guárde á V. S. muchos años. Fuerte San Estevan de Arkanzas 31 de Mayo de 1796. Carlos de Vilemont. Sor. Baron de Carondelet.

#### No. 42.

Haviendo acaecido un fuerte ventaron, con el que Cayeron varios estacas de este fuerte, y otras quedaron proximos á lo mismo: en vista de ello dispuse que se conpusieran y remplazaran las caydas con cien estacas que ha subministrado Juan Bautista des Ruisseaux por 15, p.

de los quales le he despachado certificacion de credito contra nas fe. cajas: Loque participo á V. S. en cumplimiento de su obligacion.

Dios guarde á V. S. muchos años. Fuerte San Estevan de Arkanzas 10 de Junio de 1796. Carlos de Vilemont. Sor Baron de Carondelet.

#### No. 43.

Participo á V. S. de pasar á esa Capl. átomar sus lizencias los dos solds. Alexandro Bridon de la 7a. del 1o. y tomas lopez de la 3a. del 2o. por haver llegado en sus relevos Luis Clemot, y Francisco Garzia ambos de la zea. del 1o.

Dios guarde á V. S. muchos años. Fuerte San Estevan de Arkanzas 3 de Junio de 1796. Carlos de Vilemont. Sor Baron de Carondelet.

Los Habitantes de este puesto dirigen al Ill'mo. Sor. bispo conmi- conocimiento ponmano de su Cura Larro co, un memorial solicitando se les construya por cuenta de S. M. un templo donde puedan avirtir alos Di- vinos oficios con la decencia que estos requieren, y que pueda contener mayor numero personas que la reducida sala de la Cava del Sor. cura donde aora se Celebran, y Cuio coste por aviento, puede ascender segun me han informado los que pueden emprender esta obra a, 1,600 pies lo que pongo en noticia de V. S. como debo.

Dios guarde á V. S. muchos años. Fuerte de San Estevan de Ar- kanzas 26 de Septiembre de 1796. Carlos de Vilemont. Sor. Baron de Carondelet.

#### No. 44.

He procurado conlamasnimia escrupulo sidad, indagan quales sean los qe. abordaron al chalan Americano, de que V. S. metrata en su oficios de 26, de Abril, y 6 de Julio de este año, y nada epodido descubrir, quemedo elmas minimo indicio, de que traian sido los soldados, y cavo que se hallan en el Destaca m'to dela rivera blanca, lo uno ponq. no com- biener las senas de la piragua, y numero depersonas con los que se hallan en aquel Denacom'to y lo 2, por qe. jamas el Sarg'to hasalido de este Puerto, ademas qe. Creo fuera dificil se huviese Callado entre- tantos un vobo de esta naturaleza fuera de que no seme huviena ocul- rado laventa del sarril de harina qe. nopodian emplean en el citado des- tacam'to donde no hai honno, lo que me confirma en las razones qe. ex- prese á V. S. en mi oficio No. 41, V. S. puede disponen lo que sea de suagrado en este particular.

Dios guarde á V. S. muchos años. Fuerte de San Estevan de Ar- kanzas 25 de Octubre de 1796. Carlos de Vilemont. Sor. Baron de Carondelet.

#### No. 45.

Quedo enterado del oficio de V. S. de 1 de Julio en que me manda, no admita en estas rivéras otros colonos, quelos que precisamente se empleen en la agricultura, cuidando con particularidad de qe. los Ameri- canos no se introduzcan en ellas con otro motivo, y acuya orden dare elmas devido cumplimiento.

Diós guarde á V. S. muchos años. Fuerte de San Estevan de Arkanzas 25 de Octubre de 1796. Carlos de Vilemont. Sor. Baron de Carondelet.

## No. 46.

Haviendose presentado en este Puesto Antonio Glas de nacion Americano, con un pasaporte de Natchez, en que se le permitiá, venir a Cazan de estas riveras con una piragua cargada de mercancias, y 19 hombres, en conformidad y complimiento de la orden qe. en oficio dito. de Julio se sirve V. S. comunicarme lemandé se regresase a los Nogales de donde medijo haver partido, para cuio efecto reagi el pasaporte qe. traia de Natchez, y lediono para aquel Puesto; pero sin atencion amir prevenciones partio de aqui, y se introduxo por la rivera Blanca con su mercancias parte de sus remeros, y una partida de Indios Chactas. Luego que lo supe despache ensuseguimto. una Piragua, con orden detraerle pren a este puesto pero la mucha delantera qe. llevaba, impidio pudiesen al canzanle antes de acavar sus vivenes la piragua que despaché. No he tomado el partido de embiar en su seguimto. cazadores portierra, estando mui persuadido de que no dejaria prenderse facilmente y que hera comprometer con los Chactases a los demas cazadores blancos esparcidos por la rivera, y cuyo prudente partido espeno sea de la aprobacion de V. S. pudiendo disponer de la persona dedho Glas qe. seguramte. Regresará a Natchez, o Nogales, concluido sunegocio, y siantes lepuedo arrestar, lo remitire a disposicion de V. S. confiscando sus efectos, para qe. V. S. disponga de uno, y otro como halle mas conveniente.

Diós guarde á V. S. muchos años. Fuerte de San Estevan de Arkanzas, 29 de Octubre de 1796. Carlos de Vilemont. Sor. Baron de Carondelet.

## No. 47.

Quedo enterado deltratado de Paz hecho entre S. M. y la Republica Francesa, qe. V. S. medirise en oficio de 2 de Julio, y queno Recivi en el oficio de 1 de Junio qe. V. S. mecita, cuyo tratado hize publicar a son de caxa con las formalidades ordinarias.

Diós guarde á V. S. muchos años. Fuerte de San Estevan de Arkanzas, 29 de Octubre de 1796. Carlos de Vilemont. Sor. Baron de Carondelet.

## No. 48.

Quedo enterado, del oficio Reservado qe. V. S. me dirige con fha. de 16 de Setiembre, y puede V. S. estan muy, persuadido, de que vigilaré conel mayor crinero, no se introduzca en este Puesto, el nombrado Augusto la Chaise, ni alguno de sus partidarios, y en el caso, de aprehender alguno de ellos, lo remitiré acsa capital bien asegurado, imbentariando sus pape les como V. S. melo previene en el citado oficio.

Diós guarde á V. S. muchos años. Fuerte San Estevan de Arkanzas, 29 de Octubre de 1796. Carlos de Vilemont. Sor. Baron de Carondelet.

## No. 49.

El Yngo. extraordinario Don Juan Ma. Perchet, en sirtud del Pasa-  
 porte de V. S. que meha presentado ha concluido las operaciones de qe.  
 schallava en cargado en este Puesto, y levantado el Plano de el, qe.  
 lleva consigo, delo qe. doi parte a V. S. como debo.

Díos guarde á V. S. muchos años. Fuerte de San Esteven de Ar-  
 kansas, — de Octubre de 1796. Carlos de Vilemont. Sor. Baron de  
 Carondelet.

## No. 50.

Dirijo amanos de V. S. el Padron del año presente de 1796, hastafin  
 de el con una noticia de las producciones de la agricultura en el mismo.

Díos guarde á V. S. muchos años. Fuerte de San Esteven, de Ar-  
 kansas, — de Octubre de 1796. Carlos de Vilemont. Sor. Baron de  
 Carondelet.

## No. 51.

He echo saber á estoj habitantes la orden de V. S. 12 de Octubre de  
 '96. Provisiendoles el trato con las nasiones Chatas, Chicachas, y Crecs,  
 en la Rivera occidental del Misisipi lo que notisio a V. S. para su cono-  
 simiento.

Díos guarde á V. S. muchos años. Fuerte de San Esteven, de Ar-  
 kansas, 20 de D'bre. de 1796. Carlos de Vilemont. Sor. Baron de  
 Carondelet.

## No. 52.

He puesto por obra el corte de las maderas para el fuerte por contra-  
 ta echa al presipio que me priesenio V. S. en su oficio de 9 de Nobien-  
 bre de '96 por pareserme mas con beniete por la pronta execusion.

Díos guarde á V. S. muchos años. Fuerte de San Esteven, de Ar-  
 kansas, 24 de D'bre, de 1796. Carlos de Vilemont. Sor. Baron de  
 Carondelet.

## No. 53.

Antes de salir de esta el Yngo. Don Juan Ma. Perchet, me consulte  
 conel, y haviendo lamayor pte. de la estacada de este fuerte todas  
 podridas determinamos mandar cortar loo estacas para el Remplazo de  
 las podridas, y caidas, el mismo Juan Baptista Dirusseaux melas asubmi-  
 nistrado por el precio de 15 ps. delo qual he despachado certificacion de  
 credito contra esas Re. Canas lo qe. participo a V. S. para su cono-  
 cimiento.

Díos guarde á V. S. muchos años. Fuerte de San Estevan, de Ar-  
 kansas, 7 de Febrero de 1796. Carlos de Vilemont. Sor. Baron de  
 Carondelet.

## No. 54.

Participo á V. S. demandar dos Libranzas, con una hesas reales caxas  
 una a favor de Don Andres Fagot, delo subministrado á dos partidas de

Indios de la nacion Osages, que vinieron á este puesto en los meses de Julio y Septiembre de '96, cuya relacion incluío; y otra á favor de Franco. Hambos, de sops. por una piragua qe. he comprado para el servicio de la tropa destacada en la embocadura de la Rivera Blanca.

Diós guarde á V. S. muchos años. Fuerte de San Estevan de Arkansas, 8 de Marzo de 1797. Carlos de Vilemont. Sor. Baron de Carondelet.

## No. 55.

Recivi eloficio dé V. S. con fha. de 16 de Diziembre de 1796, lo qe. éecho publicar para conocimto. detodos los havitantes de este Puerto observare exactante. lo que V. S. me prescribe en ello.

Diós guarde á V. S. muchos años. Fuerte de San Esteven, de Arkansas, 11 de Marzo de 1797. Carlos de Vilemont. Al Sor. Baron de Carondelet.

## No. 56.

Participo á V. S. como toda la maderá que V. S. me menciona en su oficio con fha. de 9 de Nove. de 1796. Esta toda cortada; 50 lamente se aguarda la suvida desta Rivera para transportarla al parage de su destino, y en el caso de no subir la Rivera la conduciran en carreta, por ser ladistancia detres leguas lamas retirada, lo qe. noticio á V. S. para su determinacion.

Diós guarde á V. S. muchos años. Fuerte de San Esteven, de Arkansas, 14 de Marzo de 1797. Carlos de Vilemont. Al Sor. Baron de Carondelet.

## No. 57.

Participo á V. S. de pasar a hesa capital para granaderos los soldados. Luis Clemot, y Diego Brito, por haverlos pedido el sangto. mayor del regimto. D. Juan Gautier.

Diós guarde á V. S. muchos años. Fuerte de San Esteven, de Arkansas, 14 de Marzo de 1797. Carlos de Vilemont. Al Sor. Baron de Carondelet.

## No. 58.

Noticio á V. S. dehaver husado de licencia absoluta el soldado Franco. Casanova, por haverla recibido del sargto. mayor D. Juan Gautier.

Diós guarde á V. S. muchos años. Fuerte de San Esteven, de Arkansas, 14 de Marzo de 1797. Carlos de Vilemont. Al Sor. Baron de Carondelet.

## No. 59:

Participo á V. S. defaltar cinco soldados, y un cavo 2o. para el completo de esta guarnicion, por safar á esa capital dos soldados para Grana-



deros Luis Clemot, y Diego Brito, haver usado de licencia absoluta el cavo 2o. Antonio Paulir, y el soldado Franco. Casanova y el fallecimto. delos ds soldados Manuel de Silva y Pasqual Bircain, segun lohe participado a V. S. en mi oficio no. 30 cuyos retevos no los ham imbiados.

Díos guarde á V. S. muchos años. Fuerte de San Estevan de Arkansas, 14 de Marzo de 1797. Carlos de Vilemont. Al Sor. Baron de Carondelet.

#### No. 60.

He recibido el dia 3 de Abril de '97 del Sor. Govor. de Natchez el oficio siguiente. Al momento que vm. reciva esta, de orden del Sor. comandante general de estas provincias despachara un propio con la mayor diligencia posibles, para que contoda brevedad entregue la adjuntas al comandante de Nuevo Madrid, siendo de la mayor importancia para ese puesto el que no pierda un instante. A el que hedado el devido cumplimiento embiando un propio el mismodia de su recivo, dandole ochenta pesos por suviase cuya Luranza he entregado á Baptista Dárdenne que es el interesado para que sea pagado por esas Reales Cajas Loque participo á V. S. para su inteligencia.

Díos guarde á V. S. muchos años. Fuerte de San Estevan de Arkansas, 24 de Abril de 1797. Carlos de Vilemont. Al Sor. de Baron de Carondelet.

#### No. 61.

En la primera ocasion oportuna los se senta y siete Pesos en Pelneria que he cobrado de Franco. Peltier, para entregar á Miguel Homu el siego, como medice V. S. en su oficio de 30 de Marzo de '97.

Díos guarde á V. S. muchos años. Fuerte de San Esteven de Arkansas, 26 de Abril de 1797. Carlos de Vilemont. Al Sor. Baron de Carondelet.

#### No. 62.

Quedo enterado del oficio de V. S. de 30 de Marzo de '97, acerca de las certificaciones que participé á V. S. en mi oficio No. 54.

Díos guarde á V. S. muchos años. Fuerte de San Estevan de Arkansas, 2 de Mayo de 1797. Carlos de Vilemont. Al Sor. Baron de Carondelet.

#### No. 63.

En oficio de 5 de Marzo me comunica V. S. la venida á este Puesto del Capataz de Presidarios Franco. Rivas, para las obras de fortificacion de to lo qe. quedo enterado y daré cumplimiento entodas suspartes.

Díos guarde á V. S. muchos años. Fuerte de San Estevan de Arkansas, 27 de Mayo de 1797. Carlos de Vilemont. Al Sor. Baron de Carondelet.

#### No. 64.

El 25 del presente mes ha llegado á este Puesto el Capataz Franco. Rivas, á bordo del Lanchon el Fuerte qe. viene á las ordenes del subte.

Don Rafael Croquen, y sique biage para Sn. Fearando delas Barancas. Por la misma ocasion he recibido las municiones, y Perorechos de Guerra, como asimismo los materiales, y erramientas de quebenia echo cargo dho privas, detodo lo que instruiran a V. S. mas pos extenso los adjuntos documentos.

Diós guárde á V. S. muchos años. Fuerte de San Estevan, de Arkansas, 27 de Mayo de 1797. Carlos de Vilemont. Al Sor. Baron de Carondelet.

#### No. 65.

He recibido el oficio de V. S. de 5 de Marzo—en el que mepreviene V. S. retire el pequeño destacamto. que semantenia sobre el Rio, á cuya orden hedado el devidq cumplimiento.

Diós guárde á V. S. muchos años. Fuerte de San Estevan, de Arkansas, 27 de Mayo de 1797. Carlos de Vilemont. Al Sor. Baron de Carondelet.

#### No. 66.

La adjunta relacion instuira á V. S. de las maderas que se necesitan para las obras de fortificacion, y composicion de la casa que ocupo, las cuales mehapedido Franco. Rivas, como asi mismo del Ympora de ellas. lo que participo á V. S. para su inteligencia.

Diós guárde á V. S. muchos años. Fuerte de San Estevan, de Arkansas, 29 de Mayo de 1797. Carlos de Vilemont. Al Sor. Baron de Carondelet.

#### No. 67.

Como algunas Piezas de las qe. forman las paredes del quartel, se hallan rompidas mandé á Franco. Rivas, fuese con dos carpinteros a reconocerlo, y me ha echo presente qe. para la conservacion dedho quartel es indispensable el componerlo, y para este efecto se necesitan las piezas de madera qe. reza la adjunta relacion, y he mandado cortar al precio que acontinuacion de ellas se especifica lo qe. participo á V. S. para sudevido conocimiento.

Diós guárde á V. S. muchos años. Fuerte de San Estevan, de Arkansas, 30 de Mayo de 1697. Carlos de Vilemont. Al Sor. Baron de Carondelet.

#### No. 68.

Con esta fha. se an principiado las Rs. obras de fortificacion, y en virtud deque Franco. Rivas me ha echo presente sene cèntan para dhas obras seis Achas, 26 Palas, y 12 azadas, selas tengo pedidas Sor. Gobernador de la Plaza de Natchez Dn. Manuel Goyozo de Lemos, porno haverre podido encontrar en este Puerto. Todo loqe. participo à V. S. para su desido coconocimto.

Diós guárde á V. S. muchos años. Fuerte de San Esteven, Areansas, 5 de Junio de 1797. Carlos de Vilemont. Sor. Baron de Carondelet.

## No. 69.

El Capataz Franco. Rivas, me ha pedido lo que contiene la adjunta nota, y he de merecen de V. S. sesirva mandar se me remita en la primera ocasion oportuna.

Díos guarde á V. S. muchos años. Fuerte de San Estevan, Arkansas, 10 de Junio de 1797. Carlos de Vilemont. Sor. Baron de Carondelet.

## No. 70.

He recibido el oficio de V. S. de 12 de Ab. po. en el que me comunica el permiso que V. S. les a dado para establecerse conlos Arkansas ensus mismas Aldeas á el so de Wlayacabé Welyabé, con su hijo el hotabés y ebenecen fulsom, álos quales no pondré embarazo para ello como V. S. mepreviene enel mencionado oficio.

Díos guarde á V. S. muchos años. Fuerte de San Estevan, Arkansas, 10 de Junio de 1797. Carlos de Vilemont. Sor. Baron de Carondelet.

## No. 71.

Eldia 5 del presente mes álar tres déla tarde llego ala voca dela Rivera blanca Alexandro Murdok, y tres remenos en un vanio chato de su pertenencia cargado de 139. Barriles de Arina endho para qe havia mandado tres soldados para que quando besave algun arina pregun taven al amo de ellas, sila que sia venden y en este caso lo condugieren á este puesto para que me ablase, pues me ha llava bastante escaro de arina para el connimo dela guarnicion de mi cargo, y almismo tiempo mehe visto obligado á subministrar la necesaria para dos meses de viveres ala tripulacion del lanchon nombrado el fuerte que areguido viage para Sr. Fernando delas Barramcan. Por dhos soldados hesa vido que lamisma tarde que lego el re enido vanco chato el amo deél, les dio algunas barellas de Wisquis, arina partida de Indios Arkanzas (que ála sason salian de este puerto condireccion á el mencionado delas Barrancas) no obstante la prevencion que les avian écho los soldados para que por ningua motivo les diesen bebida por lo permiciosos qe. heran despues de hebrio. El dia sigte. estuvieron estos Indios abordo del vanco chato lapidieron al amo arina, este se las dio, y cuando se hiban le roba non un barnilito delamisma bebida qe. tenia, y sefuieron del barco. conse- tivamte. el amo lepidio á el soldado que se hallava ábordo supiragua para suvir al puerto, este se la dio, y lediso qe. le condurenia el mismo para que no seperdiese enel camino, á esto le respondió qe. no hera necesario que les diese las señas por donde tenia de su bir qe. el se hiba con sur remenos, y que ledejaba aru cuidado el bugue. No obstante las repetidas insinuaciones del soldado para que nose fueson todos, se embarcaron haviendo tomado el dinero que reniario, y algunas mercancías. Femero sos delos Indios, por que cantavan, y gritavan como tienen costumbre, haviendo entrado en la rivera Blanco, mepresumo que estos como quenocosen el camino, y hay varias riveras, y branchas quedan enla blanca se anperdido por lo que tengo en cargado á varios cazadores que acaban de salir, que enel caso que los encuentren los pongan en camino ô sino habran tomado otra buclea, y han salido al Missipí Des-

pues de este aviso, y como quiera que los dueños no han parecido fómé la providencia dehaser conducir aqui la carga, y demas efectos que se encontrasen lo qual han executado, y quedan en mi poder los referidos 139. barriles de Arina, dos sortúes, un pañuelo deseda, y una casa vacia hasta qe. V. S. sesirva determinar lo que tenga por combeniente.

Diós guarde á V. S. muchos años. Fuerte de San Estevan, Arkansas, 27 de Junio de 1797. Carlos de Vilemont. Sor. Baron Carondelet.

## No. 72.

Remito á V. S. la adjunta relacion dela artilleria, y demas pertrechos de guerra que exsisten eneste puesto, con espesificacion del estado en que se halla, como melo preserive V. S. ensu oficio dell. de Mayo de 97.

Diós guarde á V. S. muchos años. Fuerte San Estevan, Arkansas, 10 de Agto. de 1797. Carlos de Vilemont. Sor. Baron de Carondelet.

## No. 73.

Daré el mas exacto cumplimto. al oficio de V. S. de fha. de 2 de Junio proximo pasado no permitiendo ningun tratante ni casador el mas minimo trato conla nacion Osage.

Diós guarde á V. S. muchos años. Fuerte de San Estevan, Arkansas, 10 de Agto. de 1797. Carlos de Vilemont. Sor. Baron de Carondelet.

## No. 74.

Haviendo echo compadezer antemi a Pedro Lefebre, para noticiarle lo que V. S. me previene ensu oficio de 3 de Junio de 97 sea obligado a satisfacer dha cantidad por fin de Dizre. de este año.

Diós guarde á V. S. muchos años. Fuerte de San Estevan, Arkansas, 14 de Agto. de 1797. Carlos de Vilemont. Sor. Baron de Carondelet.

## No. 75.

Participo á V. S. haver comprado 100 minotes de Frigo para el establecimto. del huchiras á Varor de quatro Peros cada un minote los mismos qui han sido entregados al Marques de Mayson Rouge, ensacos bien acondicionados segun V. S. me previene ensu oficio de 7 de Junio de 97, haviendo visto eldho Marques lo intransitable del Camino para conducirlo por tierra, á resuelo llevarlo por aqua, hasta su establecimto.

Diós guarde á V. S. muchos años. Fuerte de San Estevan, Arkansas, 28 de Agto. de 1697. Carlos de Vilemont. Sor. Baron de Carondelet.

## No. 76.

He recibido el oficio de V. S. de fha. de 27 de Junio de año este con la adjunta correccion quesedeve haver álas familias Americanas que en el se expresa.

Diós guarde á V. S. muchos años. Fuerte de San Estevan, Arkansas, 28 de Agto. de 1797. Carlos de Vilemont. Sor. Baron de Carondelet.

## No. 77.

Deviendo informar á V. S. dela solicitud hecha por la Tropa de este Destacamto. segun V. S. me presierv en su oficio fha. de 20 de Julio de '97. Digo que heseguido el regimen dernir antecesones, sumenutrandoles treinta libras de arina, y dos de sal mensualmte. bien entondido que el ultimo dia de cada mes seles afuvra la cuenta, y seles carga el valor dedha vacion, y a quello que cada individuos al canza suminirtrandoles á varon de quarenta y imco reales almes selevabona ensumano para que condho al canze traten á los Indios lo que necesitan para sumantencion, por ser este el unico gobierno que sepueden seguin pues es este un puerto quenno hay can nozenia, fiendar, ni avitanteo que vendar minestras de ninguna calidad por ningun precio. A qui famas seles asocorrido con vacion de Armada porno aver al mazen del rey, ni guarda al macen para quelas suministre á loqe. meparese seria mui combeniente mediante el paresen de V. S. socorrer á esta guarnicion conladha vacion de Armada segun se lo suplican á V. S. sus individuos. Pues con ella serian mas bien mantenidos, y con menos costo que el que haora tienen por aver ocanosines que por materia cuasi denada tratan viverer, y otras veres sepan los meses sin poder conseguir ninguenos, y es este el motivo de pasanse al gunas es cazeses lo queparticipo á V. S. para su determinacion.

Díos guarde á V. S. muchos años. Fuerte de San Estevan, Arkansas, 31 de Agto. de 1797. Carlos de Vilemont. Sor. Baron de Carondelet.

## No. 78.

Participo á V. S. haver pasado á las reales Capas dela Nueva Orleans las Libranzas del Importe del Trigo que sea comprado para el establecimiento del truchitas. Y una de quirne Peros por la mersención de cinco hombres á Varon de quatro ar pardia, que binicron conel Marques de Maizon Rouge para conducir el dho Trigo asu destino.

Díos guarde á V. S. muchos años. Fuerte San Estevan de Arkansas, 3 de Octubre de 1797. Carlos de Vilemont. Al Sor. Baron de Carondelet.

## No. 79.

Pasa á esa capital á incorporarse al cuerpo el Sang. 2 dela Sa. del 2 Anto. Gallegos, con motivo haver accendid á esta Claso.

Díos guarde á V. S. muchos años. Fuerte de San Estevan, Arkansas, 12 de Octubre de 1797. Carlos de Vilemont. Al Sor. Don Manuel Gayoso de Lemos.

## No. 80.

Participo á V. S. de traven fallecido eneste. Puesto el dia gratro delmes dela. fha el Soldado dela Tercera del 2 Fra. Gorv.

Díos guarde á V. S. muchos años. Fuerte San Estevan de Arkansas, 9 de Noviembre de 1797. Carlos de Vilemont. Al Sor. Don Manuel Gayoso de Lemos.

## No. 81.

Remito á V. S. el Padron delos Abitantes de este puesto, por fin de Dizre. de este año.

Diós guárde á V. S. muchos años. Fuerte San Estevan, de Arkansas, 14 de Noviembre de 1797. Carlos de Vilemont. Al Sor. Don Manuel Gayoso de Lemos.

## No. 82.

Remito á V. S. el ynventario y estimasion de los bienes del Difunto Capn. Dn. Josef Valliere los que quedan enpoder de su viuda da. Maneta felicitar de Merant segun V. S. me prescribe en la suya fha. 15 de Febre. 1797. Fuerte San Estevan de Arkansas, 30 de Enero de 1798.

## No. 83.

Con motivo de haverse finalisado los trabajos de este fuerte pasa á esa capital el sobres tante de obras Francisco de Rivas con el que remito las listas relaciones y demas documentos pertenesientes á la reedificasion del mencionado—lo que participo á V. S. para su conocimiento.

Diós guárde á V. S. muchos años. Fuerte San Estevan de Arkansas, 27 de Febrero de 1798. Al Sor. Don Manuel Gayoso de Lemos.

## No. 84.

Participo á V. S. de pasar á las Reales Casas de la Nueva Orleans seis libronsas por el ymporte de las Maderas que se hanfornido para este fuerte y una por lo subministrado al Gran Gefe de la nacion Chicacha Wualayacabé que havenido á este puesto con una partida suya.

Diós guárde á V. S. muchos años. Fuerte San Estevan de Arkansas, 27 de Febrero de 1798. Al Sor. Don Manuel Gayoso de Lemos.

## No. 85.

Participa á V. S. de estar la Bandera de este fuerte tan sumamente pasada y podrida que al menor ympetu de viento se caen los pedasos á tierra.

Diós guárde á V. S. muchos años. Fuerte San Estevan de Arkansas, 27 de Febrero de 1798. Carlos de Vilemont. Sor. Don Manuel Gayoso de Lemos.

## No. 86.

Participo á V. S. de embiar á esa Capt. al Soldado Manl. Marcos, respecto hallarse ynposibilitado haser el servicio por su enfermedad, y no encontrar en este puerto remedio para sus malos.

Diós guárde á V. S. muchos años. Fuerte San Estevon de Arkansas, 13 de Marzo de 1798. Carlos de Vilemont. Sor. Don Manuel Gayoso de Lemos.

## No. 87.

Je me conformerai au contenu de ceque vous me mandez par votre lettre du 23 Janvier dernier concernant Mons. de la Jonchere fils, et les nommes Dusis Montbrun et Henri Plancet tous sont connus dufrime de duil.

Dieu vous aie en sa Sainte Garde au fort de St. Etienne, des Arkansas, de 24 Mars, 1798. Carlos de Vilemont. Mons. le Gouverneur General.

## No. 88.

Para dar cumplimiento al oficio de V. S. de 13 Enero de '98. He echo concurrir Antoney á Juan Bautista Duscchien, habitante de este puerto á el que le amoneste, y le interugué, que de orden de V. S. se uniera per el sacramento del matrimonio para evitar los escandalos del puerto el que se obligó y otorgó de haserlo inmediatamente. Juan Bautis Daigle, se unio por el sacramento del matrimonio trantes de reciver la de V. S.

Dios guarde á V. S. muchos años. Fuerte San Estevan, Arkansas, 23 de Marzo de 1798. Carlos D. Vilemont. Sor. Don Manuel Gayoso de Lemos.

## No. 89.

Recibi el oficio de V. S. de 25 de Enero de '98, con el adpurto rl. indulto.

Dios guarde á V. S. muchos años. Fuerte de San Estevan, de Arkansas, 23 de Marzo de 1798. Carlos de Vilemont. Sor. Don Manuel Gayoso de Lemos.

## No. 90.

Participio V. S. haver reenganchado per 8 anos mas ael soldado de la 3 del 1 Fran. Ismeney, que se hallaba cunplido del dia 13 de Aprilo de 1796. Y haver recibido 8 de gratificacion.

Dios guarde á V. S. muchos años. Fuerte de San Estevan, de Arkansas, 23 de Marzo, de 1798. Carlos de Vilemont. Sor. Don Manuel Gayoso de Lemos.

## No. 91.

Remito con Don Josef Bauf los 77 pesos en peltrearia para entregar á Miguel Homu el Ciego como el anterior de V. S. melomandó en su oficio de 30 de Marzo, de 1797, por lo que le devia Francisco Peltie al otro Miguel Homu.

Dios guarde á V. S. muchos años. Fuerte San Estevan, de Arkansas, de 23 de Marzo, de 1798. Carlos de Vilemont. Al Sor. Don Manuel Gayoso de Lemos.

## No. 92.

Luis Jardelas, vecino de este puesto mea entregado un memorial en el que le suplica y pide á V. S. el permiso para tratar en la rivera con

los casadores de esta imediacion. A lo ql. devo informar á V. S. que para cortar los abusos, y malos tratos introducidos en ella por varios, que con el nombre de casadores peosan el permiso para casar en ella, y á lo que hiban, hera arocoge la peleteria que tenian prevenida los otros. casadores para el payo delos comerciantes de este Puesto que les adelantaban los que mesistaban pa. sus canpanas, y haviendose savido que está hera uno de los ql. husabo de este abuso. Sobre lo que han echo todos los tratantes de este puesto un convenio segun V. S. podra interarse por la adjunta copia que remito á V. S.

Diós guárde á V. S. muchos años. Fuerte San Estevan, de Arkansas, 31 de Marzo de 1798. Carlos de Vilemont. Sor. Don Manuel Gayoso de Lemos.

## No. 93.

Recibi el oficio de V. S. con fha. de 24 de Abril de 1798, al que no hepodido dar el devido cumplimiento por no encontrarse en este puesto algunos de los tratantes ni ningunos de los casadores espero el regreso de estos para comunicarles la orden de V. S.

Diós guárde á V. S. muchos años. Fuerte San Estevan, de Arkansas, 15 de Junio de 1798. Carlos de Vilemont. Al Sor. Don Manuel Gayoso de Lemos.

## No. 94.

Participo á V. S. haverle dado el permisa á Luis Tardelat para subir á la casa segun V. S. memanda en su oficio de 24 de Abril, de 1798.

Diós guárde á V. S. muchos años. Fuerte de San Estevan, Arkansas, 15 de Junio, de 1798. Carlos de Vilemont. Al Sor. Don Manuel Gayoso de Lemos.

## No. 95.

Daré el devido cumplimiento al oficio de V. S. con fha. de 14 de Abril, de 1798.

Diós guárde á V. S. muchos años. Fuerte de San Estevan, de Arkansas, 15 de Junio, de 1798. Carlos de Vilemont. Al Sor. Don Manuel Gayoso de Lemos.

## No. 96.

Para sar cumplimiento al oficio de V. S. con fha. de 24 de Abril, de 1798, hisé juntas á todos los tratantes, y casadores de este puerto, y se eligieron dos de cada clasi, estos impreseron las penas sigientes á los que contravinieren, a los ordenes que en el se contrenen. Primeramente que el casador que llevare algunos Generos ô Comestibles con la miva de tratarlos en la vivera, sufrira la pena de un mes de prision, y 25 p. de multa, y el comerciante que huvien dado las mercanisas pa. tratos las por su cuenta, la de 3 meses de prision y 500 p. de multa. Enelcaso que el casador nodeva al mercante por quien aya sido equipado mas que cier peros, y trayga el otro. Casador por 300 cientos: no podra el otro



mercante tomar mas que los 100 p. que le deva defando lo restante pa. pagar las deudas antiguas, y à los contraventores se les impone la pena que arriba se mensiona tiendo la obligacion del Tratante el Delatarlo pa. quedar el, a la vórigo, y dedar parte á el Comte. de la Cantidad que le aya restado para que este aya satisfacer las deudas atrasadas por su antigüedad. El casador que safan escondidos en el monte algunos efectos selos ql. trayga pa. satisfacer su equipador sufrira la pena mencionada pa. el casador. Lo que pongo á noticia de V. S. pa. su determinacion.

Dios guarde á V. S. muchos años. Fuerte de San Estevan, de Arkansas, de 15 de Novembre, de 1798. Carlos de Vilemont. Al Sor. Don Manuel Gayoso de Lemos.

#### No. 97.

He echo conpárecer antemy á Ebenazar Fulsom, el que confero, y reconocio ser legitima ladeuda que expresa el vale ql. V. S. meo remitido en la suya con fha. de 20 de Agosto, de 1798. Y por no tener á la presente mas bienes que las deudas que tiene contraido con los Ind. sea obligado á remitir por el á poderado de Dn Juan Rhea, le. lo es Carlos Be-feto, la cantidad de 200 ps. y lo restante lo hira remitiendo, conformi lo baya recopindo de los Inds. Al mismo le intime de orden de V. S. el modo que havia de tener, de conportasre y conformarse con las regleas establecidas en este puesto pues de lo contrario lo han salir de el. Vig- ilare con el mas exacto cuydado que niguno sagur cavallos de este pu- esto pa. llevar, nitraficar con el Amiricano.

Dios guarde á V. S. muchos años. Fuerte de San Estevan, de Arkansas, 20 de Noviembre, de 1798. Carlos de Vilemont. Sor. Don Manuel Gayoso de Lemos.

#### No. 98.

Remito á V. S. el padron delos habitantes de este puesto por fin de Dizre. de este año.

Dios guarde á V. S. muchos años. Fuerte de San Estevan, de Arkansas, 31 de Dizre., de 1798. Carlos de Vilemont. Sor. Don Manuel Gayoso de Lemos.

#### No. 99.

Remito á V. S. la adjunta relation dela artilleria y demas pertrechos de guerra que exister en este puerto, conespificacion del estado en que se halla.

Dios guarde á V. S. muchos años. Fuerte San Estevan, de Arkansas, 31 de Dizre., de 1798. Carlos de Vilemont. Sor. Don Manuel Gayoso de Lemos.

#### No. 100.

Pasa á hera Capl. el Solo. Tudro ortega por allarse enformo de dolores, y carecer en este puesto de remedios pa. su enfermedad.

Dios guarde á V. S. muchos años. Fuerte de San Estevan, de Ar-

kansas, 15 de Enero, de 1799. Carlos de Vilemont. Sor. Don Manuel Gayoso de Lemos.

## No. 101.

Participo á V. S. como una partida grande de la nation Osage á benido sobre esta rivera, la que se devidio en tres, la primera encontro á quatro cazadores de este puesto, les quitaron dos carbines, sus mantas Polvoro Balas, y demas efectos qe. teniar pa. he huso, la segunda robo á diferentes cazadores del mismo trienta y cinco cavallos, y la tercera mato á un Jendo dela nation Abinaqui; todo lo que communico á V. S. pa. su interlaxencia.

Diós guarde á V. S. muchos años. Fuerte de San Estevan, Arkansas, 20 de Abril, de 1793. Carlos de Vilemont. Sor. Don Manuel Gayoso de Lemos.

## No. 102.

Acabo de saver como una partida de siste hombres de la nation Chichas han matado á una muyer Osage, hasiva dela Rivera Blanca en la furcha colorada lo qe. participo á V. S. pa. su conocimiento.

Diós guarde á V. S. muchos años. Puerte de San Estevan, de Arkansas, 20 de Abril, de 1799. Carlos de Vilemont. Sor. Don Manuel Gayoso de Lemos.

## No. 103.

Pasa á esa capital el gran-gefe de esta nacion Arkansas, Cozu-Non-pues, companado de su segundo Uguies-Hyagedis, con veinte y dos de sus guereros para verle, dar la man y saver de V. S. su determinacion de lo que deven hacer con la nacion Osage los que se enquentran agraviados con la otro nacion por haver sido á sacados de ellos, y haver hevido á un sobrino del otro gran gefe el año pasado.

Suplican á V. S. se sirva sico posible darles un armero payado por el Roy, para la compociciones de sus harmas, por el motivo si llegan aser atacados por alguna nacion la mayor parte de ellos las tienen desconpuerta, y no tener posible para pagar las compociciones de sus armas.

Diós guarde á V. S. muchos años. Fuerte de San Esteven, Arkansas, 20 de Abril de 1799. Carlos de Vilemont. Sor. Don Manuel Gayoso de Lemos.

## No. 104.

Dare el mas exacto complimiento á los oficios a V. S. a 20 de Febrero de 1799, y el de 4 de Abril del mismo.

Diós guarde á V. S. muchos años. Fuerte de San Esteven, Arkansas, 31 de Mayo de 1799. Carlos de Vilemont. Sor. Don Manuel Gayoso de Lemos.

## No. 105.

Participo á V. S. dehaver renganchado por 8 años mas á el sold de erta guarnicion Francisco Martinez, dela 1a. del 1o. y a José Argueles dela 2a. de Id. á losque les hedado 80 rs. de gratificacion.

Diós guarde á V. S. muchos años. Fuerte de San Estevan, Arkansas,  
31 de Mayo de 1799. Carlos de Vilemont. Sor. Dn. M. Gayozo de Lemos.

No. 106.

Las repetidas lamentaciones, llantos, y suspiros de todos los casadores de este puesto me mueven á darle parte á V. S. que todos los qe. aqui se presentan despues de haver recibido alguno agravio, daño ô bien que les aygan robado sus interesa los Osages; vienen diciendo que ellos propios les dicen quel el motivo de obrar tan mal con los blancos es porque quieren tener un tratante de este puesto para que este obtenga la treta con ellos, y que mientras no comigan este intento qe. no pienu ningun Blanco en qir á testa ribera á la Caza. Losquel aquantos vean, y puedan pillar á todos les robarán quanto tenyan, y quitaran las vidas, por lo que quisiera mereser de V. S. le permitiose la otra treta ál F. de T. por considerarle mui capas para ello, y en contraria con bastante fondo para sostener otra treta, y averle la misma nacion pedido para tratas con ellos. De este permiso se conseguira la tranquilidad y tosego de estos miserablos casadores, y elque puedan pagar sus creditos, de lo contrario no podran jamas satisfacerlas, perquel parten para ir á lo caza unas veses les quitan sur equipamentos sin llegar á sus acampamentos, y otras ocasiones despues de sacrificar sus vidas pa. recoger algunos efectos pa. satisfacer sus deudas, y quando mas descuydados se allar se presenta una partida de Indios, les quitan quanto tienen: Pras se averificado el defar algunos de ellos hasta sin camisa, con tan solo un bragruro para cubrir sus partes. Si entodo caró puere de la aprobacion a V. S. esta mi representacion sera menester ql. V. S. permita fabricar un Almacen en donde tener sus intereses asegurados á distanisa de 200 cientas leguas de este puesto en el parafe nombrado la praderia San Bois, que es el estio mas considerable para el otro efecto, y mas oportuno para quel la nacion no interrumpa á los casadores quel casan hasta otra distanisa.

Diós guarde á V. S. muchos años. Fuerte de San Estevan, Arkansas,  
18 de Junio de 1799. Carlos de Vilemont. Sor. M. G. de Lemos.

No. 107.

Para á esa Capital los dos Gefes, de medalla Fas-con-guidisguides herapebequi, y el de gola opor de esta nacion Arkansas ácompañado con 30 de sus guerreros para verle, y dar la mano á V. S. funtamente á suplicarle quel les de V. S. un armero perquel se allar todos con las armas imposibilitado de servirse de ellos, esperan con anisas de quel V. S. les consigue esta gracia loquel participo á V. S. para su inteligencia.

Diós guarde á V. S. muchos años. Fuerte de San Estevan, Arkansas,  
20 de Agosto de 1799. Carlos de Vilemont. Sor. M. G. de Lemos.

No. 109.

Participo á V. S. de haverse desertade de esta guarnicion el dia 23 de Julio de 1799 el soldo. de la 4a. compagna del 1or batallon. Pedro Lacruz.

Diós guarde á V. S. muchos años. Fuerte de San Estevan, Arkansas,  
27 de Julio de 1799. Carlos de Vilemont. Sor. M. G. de Lemos.

## No. 108.

Acaba de llegar á este puesto Pampalaby, de la nacion Chatas, Gefe de la medalla Espanole, solicita este que V. S. le permite de establecerse en el bayu de la Salina que esta á dos dias de camino de este puesto, para este fin me entrego una carta para que se la remitió a V. S. el duo que esta bleciendose en el paraye que tenyo referido que impidira á los a su nacion quel van y bienen ayan ningun perjuicio á los abitantes de este puesto lo quel participo á V. S. para su determinacion.

Diós guárde á V. S. muchos años. Fuerte de San Estevan, Arkansas, 20 de Agosto de 1799. Carlos de Vilemont. Sor. Don Manuel Gayozo de Lemos.

## No. 110.

Daré el mas exacto complimiento al oficio de V. S. con fha. de 8 de Febrero de 1799.

Diós guárde á V. S. muchos años. Fuerte de San Estevan, Arkansas, 18 de Febrero de 1799. Carlos de Vilemont. Sor. Don Francisco Bouligné.

## No. 111.

Participo á V. S. que el dia 22 del mes de Noviembre de 1799, como una partida de 35 hombres de la nacion Osages, atacaron, á 6 casadores blancos que estaban carando en las orillas de esta rivera á la distancia de 150 leguas de otro. puesto a los quales mataron á 3 de los casadores, tiendo obligado los otros 3 para libetar su vida á escaparse an otra níguna cosa mas ql. lo ql. tenian en lima de su guerro. Como ygulmente otras diferentes partidas de la misma nacion han hido reconociendo todas laorillas de la exprecada rivera, robando á todas quantos casadores han encontrado por ellas.

Diós guárde á V. S. muchos años. Fuerte de San Estevan, Arkansas, 4 de Diciembre de 1799. Carlos de Vilemont. Sor. Don Nicolas Maria Vidal.

## No. 112.

Remito á V. S. el padron de los abitantes de este puesto pd. fin de Diciembre de este año.

Diós guárde á V. S. muchos años. Fuerte de San Estevan, Arkansas, 31 de Diciembre de 1799. Carlos de Vilemont. Sor. Don Nicolas Maria Vidal.

## No. 113.

Noticio á V. S. de haverse encontrado una partida de Indios de la nacion Chastas con otra de la nacion Osages los que se han batido algun repaio de tiempo matando la primera á dos de los Osages y estos á 4 de los Chastas.

Diós guárde á V. S. muchos años. Fuerte de San Estevan, Arkansas, 7 de Enero de 1800. Carlos de Vilemont. Sor. Don Nicolas Maria Vidal.

## No. 114.

Los mercantes de este puesto, Don Franco. Vaugine, Dou Franco. Valier, Pedrole Fevre, y Carlos Refeld, remiten un memorial á V. S. en el ql. exponen, y piden ser conveniente el trato con las naciones de Indios Chastas, Chicachas, y Talapuches. A lo ql. devo informar a V. S. lo contrario por ql. los habitantes de este quel cultivan la tierra estan expuesto continuamente á un precipicio pr. estas naciones para no pueden conservar ninguno de los frutos esten ella poner ni los riveres ql. tienen en sus casas ni ninguno de sus animalas, los lav. los roban el banero y el de cerdo los matan esta defendido. El trato con las otro. naciones por el antecreor de V. S. Don Manuel Gayoso de Lemos, entimarcone inise observar esta orden contodo rigor lo ql. participo á V. S. para su inteligencia y determinacion.

Diós guárde á V. S. muchos años. Fuerte de San Estevan, Arkansas, 17 de Febrero de 1800. Carlos de Vilemont. Sor. Don Nicholas Maria Vidal.

## No. 115.

Remito á V. S. el padron de los abitantes de este puesto por fin de Diciembre de este año.

Diós guárde á V. S. muchos años. Fuerte eu San Estevan, Arkansas, 31 de Diciembre de 1800. Carlos de Vilemont. Al Sor. Don Nicolas Maria Vidal.

## No. 116.

Con esta fha. á caban de llegar una partida de Chastas, que disen que han tenido un conbate con los de la naison Osages, y que estos les han muerto cirsa hombres, y elles á los Osages dos. Todo lo ql. participo á V. S. para su inteligencia.

Diós guárde á V. S. muchos años. Fuerte de San Estevan, Arkansas, 31 de Marzo de 1801. Carlos de Vilemont. Al Sor. Don Nicolas Maria Vidal.

## No. 117.

Participo á V. S. como Levi Pery, mortiso Chicachas me ha pedido permiso para establecerse en el parasse llamado la Petite Práderia distante 29 leguas de este puesto sobre la osila del Misisipi, para desde alli impedir que los Indios de otra naison roben los cavallos, y maten el ganas vacuno de los abitantes de este puerso ô qui cometan qualquiera otro exesso, quiere establecerse el solo con su familia. Espero la resolucion a V. S. sobre este particular.

Diós guárde á V. S. muchos años. Fuerte de San Estevan, Arkansas, 25 de Octubre de 1801. Carlos de Vilemont. Al Sor. Don Nicolas Maria Vidal.

## No. 118.

Yncluyo á V. S. la adjunta relacion de la artilleria, y demas pertrechos de guerra ql. existen en este puesto con espiscificacion del estado en que se alla.

Diós guárde á V. S. muchos años. Fuerte de San Estevan, Arkansas, 31 de Diciembre de 1801. Carlos de Vilemont. Al Sor. Don Manuel de Salcedo.

No. 119.

Remito á V. S. el padron de los habitantes de este puesto para fin de Diciembre de este año.

Diós guárde á V. S. muchos años. Fuerte de San Estevan, Arkansas, 31 de Diciembre de 1801. Carlos de Vilemont. Al Sor. Don Manuel de Salcedo.

No. 120.

Participo á V. S. como los Indios de la nacion Osages an matado al casador de este Miguel Petie, bajando este por la rivera de Arkansas, adistanisa de 150 leguas de este puesto.

Diós guárde á V. S. muchos años. Fuerte de San Estevan, Arkansas, 5 de Febreo de 1802. Carlos de Vilemont. Sol. Don Manuel de Salcedo.

No. 121.

Participo á V. S. de bajar para esa capital el totol. de la 3d. del 2o. Juan Larguer por allarse cumplido desde el 12 de Mayo de 1796, y Pron Garittalle, de la 4a. de 12o. desde el 9 de Enero, de 1796, losquel han sol. estado el bajar para pedir subscencia.

Diós guárde á V. S. muchos años. Fuerte de San Estevan, Arkansas, 5 de Febrero de 1802. Corlos de Vilemont. Sor. Don Manuel de Salcedo.

No. 122.

Participo á V. S. de haver fallcesdo en este puesto el solds. de la 8a compagna del 1o batallon, Francisco Gania el dia 24 de Junio po. po.

Diós guárde á V. S. muchos años. Fuerte de San Estevan, Arkansas, 27 de Junio de 1802. Carlos de Vilemont. Al Don Manuel de Salcedo.

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STATE OF LOUISIANA, *parish of Orleans* :

Louis Bouligny being duly sworn, deposes that he was well acquainted, during many years, with the late Carlos de Vilemont, who was deponent's uncle. He was, from 1794 to 1802, commandant of Arkansas. The letter-book to which this affidavit is annexed, contains Vilemont's official correspondence with the Governors of Louisiana. All the commandants of posts were required to keep copies of their official letters in such a book, and to number them. The numbers in the said book are continuous from 1 to 122; there is none wanting, and the letters, which are all dated, extend from the 12th of July, 1794, to the 27th of June, 1802. The title of this book, "Libro de Correspondencia con el Sr.

Gobernador," is in Vilemont's hand-writing, with which deponent is perfectly acquainted. The letters numbered from 43 to 85, and Nos. 91, 93, 94, and 95, are in a hand-writing which deponent does not know, but all the other letters are entirely in the hand-writing of the said Carlos de Vilemont. Deponent has seen Vilemont frequently write, particularly when he came to New Orleans in 1802, and afterwards, and has corresponded with him.

L. BOULIGNY.

Sworn to and subscribed before me,

EDWARD RAWLE,  
*Judge of the City Court.*

NEW ORLEANS, December 27, 1836.

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*Translated extracts from a letter-book entitled "Book of Correspondence with the Governor."*

Letter No. 1.

I communicate to your lordship that I arrived at this post without accident on the 11th instant, and that I have forthwith taken possession of the political and military command of this fort and its district, which your lordship has been pleased to intrust to me.

God protect your lordship. Fort of St. Stephen, Arkansas, 12th July, 1794. Carlos de Vilemont. To the Baron de Carondelet.

No. 10.

I communicate to your lordship that it is impossible to prevent the Chickasaws from stealing the horses of the inhabitants and killing their cattle, although I have spoken to and reprimanded them; which I submit to your lordship for your information.

God preserve your lordship. Fort of St. Stephen, Arkansas, 7th September, 1794. Carlos de Vilemont. To the Baron de Carondelet.

No. 23.

I communicate to your lordship that it is threatened by some Choctaws that they will come next August with 500 warriors to attack us, and entirely to destroy the villages of the Arkansas. This difficulty arises from some quarrels and fights they have had with the said nation, because the Choctaws have violated some of their women. When they left here, they stole eight horses from different inhabitants.

Having been informed that some of those who made these threats lived in Washita, I thought proper to write to the commandant of the said post, Dn. Juan Filhiol, and to refer him to your lordship, as well as to the captain of grenadiers, Don Juan de la Villebouef; which I submit to your lordship for your information.

God preserve your lordship. Fort St. Stephen, Arkansas, 28th June, 1795. Carlos de Vilemont. To the Baron de Carondelet.

## No. 31.

I have received your lordship's order dated the 8th of August, in which your lordship directs what I am to do, in case the Choctaws should present themselves here.

God protect your lordship. Fort of St. Stephen, Arkansas, 18th December, 1795. Carlos de Vilemont. To the Baron de Carondelet.

## No. 35.

Under the same date I have received your lordship's order, in which you tell me that, if the Indians continue to steal the horses of the inhabitants, they may fire at them; nevertheless I shall observe your order of later date.

God protect your lordship. Fort of St. Stephen, Arkansas, 19th March, 1796. Carlos de Vilemont. To the Baron de Carondelet.

## No. 36.

So many nations of Indians meet in this post, every moment they commit excesses and thefts, without any fear, on account of the weakness of the garrison, and because but few men remain in it during hunting-time—for they are all hunters. The artillery is in a ruinous condition; of the three cannons, two are mounted, and those are full of holes and irregularities, (escarabajo,) and the touch-hole is so large that the charge comes through it; for they are very old and entirely eaten up by rust. Of the seven swivels only one can be fired without danger. The fort is in a defenceless state, for the palisades are so rotten that the least wind throws them to the ground; which I submit to your lordship for your information.

God protect your lordship. Fort of St. Stephen, Arkansas, 2d of April, 1796. Carlos de Vilemont. To the Baron de Carondelet.

## No. 37.

*Extract.*—It is indispensable that your lordship should send me four 4-pounders with their carriages, and 13 swivels with iron pins.

## No. 42.

*Extract.*—A strong wind having blown down a number of palisades of this fort, and others being near falling, I have ordered those that had fallen down to be replaced by 100 new ones, &c.

## No. 65.

I have received your lordship's order of the 5th of March, by which you direct me to withdraw the small detachment which was kept on the river; to which order I have given due execution.

God protect your lordship. Fort of St. Stephen, Arkansas, May 27th, 1797. Carlos de Vilemont. To the Baron de Carondelet.



## No. 101.

I communicate to your lordship that a great number of Osages have come to this river, where they divided themselves into three parties. The first of them met four hunters of this post, from whom they took two rifles, their blankets, powder, balls, and other effects which they had with them for their use; the second stole from different hunters of this post 35 horses; the third killed an Indian of the Abeniqui nation; all of which I submit to your lordship for your information.

God protect your lordship. Fort of St. Stephen, Arkansas, April 20th, 1799. Carlos de Vilemont. To Don Manuel Gayoso de Lemos.

## No. 102.

I have just been informed that a party of 7 Chickasaws have killed a woman of the Osage nation, above White river, on the red fork.

God protect your lordship. Fort St. Stephen, Arkansas, April 20th, 1799. Carlos de Vilemont. To Don Manuel Gayoso de Lemos.

## No. 103.

The great chief of the Arkansas, Cozei Nonpues, is going to the capital with the second chief, Uguies Hyagedis, and twenty-two of his warriors, to see your lordship, shake hands with you, and know your determination concerning what they ought to do with the Osages, against whom they are exasperated; having been attacked by them last year, and a nephew of the said great chief having been killed by them.

They supplicate your lordship to send them, if possible, a gunsmith paid by the king, to put their arms in order; because, if they should be attacked by some nation, most of their arms are out of order, and they have not the means to pay for having them repaired.

God protect your lordship. Fort St. Stephen, Arkansas, April 20th, 1799. Carlos de Vilemont. To Don Manuel Gayoso de Lemos.

## No. 106.

The frequent complaints of all the hunters of this post, induce me to inform your lordship that all those who present themselves after having received some injury from or been robbed by the Osages, say that they (the Osages) say themselves that the reason why they treat the whites so badly is because they wish to have a trader in this post, privileged to trade with them, and unless they do obtain this, no white man ought to think of going hunting on this river, for they will rob and kill all those they meet, for which reason I request your lordship to grant this permission to trade to F. de T., whom I consider fit for it and who has also the necessary means, and has been demanded by the said nation themselves for their trader. This permission will secure the tranquillity and safety of these unfortunate hunters, and enable them to pay their debts, which otherwise would be impossible to them. For, at times they go hunting and all their equipment is taken from them before they reach their camps; at other times, after having exposed their lives and having acquired some-

thing to pay their debts, and when they least suspect it, they are met by a party of Indians who take every thing away from them; for it has happened that some of them were left without a shirt and with only a rag to cover their parts. If my present proposition meets the approbation of your lordship, it will be necessary that your lordship should permit a warehouse to be built, where they can secure their property, at the distance of 200 leagues from this post, at the place called "Prairie sans bois," which is the most convenient site for this purpose, and most appropriate, that the nation may not interrupt the hunters who go as far as that distance.

God protect your lordship. Fort of St. Stephen, June 18th, 1799  
Carlos de Vilemont. To Don Manuel Gayoso de Lemos.

No. 108.

Pancipalaby, a Choctaw chief of the Spanish medal, has arrived at this post, and requests that your lordship may permit him to establish himself at Saline bayou, at two days' distance from this post, for which purpose he has handed me a letter, which I send to your lordship. He says that if he establishes himself at that place, he will prevent the people of his nation from doing any injury to the inhabitants of this post; which I communicate to your lordship for your information.

God protect your lordship. Fort St. Stephen, Arkansas, August 20, 1799. Carlos de Vilemont. To Don Manuel Gayoso de Lemos.

No. 111.

I inform your lordship that, on the 22d of November, 1799, a party of about thirty-five Osages attacked six white hunters, who were hunting on the banks of this river, at about 150 leagues from this post. They killed three of the hunters; the other three, to save their lives, had to fly, losing every thing except what they had on their bodies. Other parties of the same nation have also been visiting the whole banks of this river, and have robbed every hunter they met.

God preserve your lordship. Fort of St. Stephen, Arkansas, December 4, 1799. Carlos de Vilemont. To Don Nicolas Maria Vidal.

No. 113.

I inform your lordship that a party of Choctaws has met a party of Osages. They fought for some time, the former killing two of the Osages and the latter four of the Choctaws.

God preserve your lordship. Fort St. Stephen, Arkansas, January 7, 1800. Carlos de Vilemont. To Don Nicolas Maria Vidal.

No. 114.

The merchants of this place, *Dn. Franco. Vaugine*, *Dn. Franco. Valier*, *Pedro le Fevre*, and *Charles Refeld*, send a petition to your lordship, in which they pray for the trade of the Choctaws, Chickasaws, and Talapuches nations. I must, however, express an opinion adverse to their request, for *the inhabitants of this post who cultivate the land, are constantly exposed to ruin by these nations, for they can preserve neither what they raise in the ground, nor the provisions they have in their*

*houses, nor their animals ; they steal their horses and kill their cattle and hogs.* The trade with these nations was prohibited by your predecessor Dn. Manuel Gayoso de Lemos, who directed me strictly to enforce that order ; which I submit to your lordship for your information and decision. God preserve your lordship. February 17, 1800. Carlos de Vilemont.

## No. 116.

To-day a party of Choctaws have arrived, who state that they have had a battle with the Osages, who killed five of their men, they having killed two of the Osages ; all of which I submit for your information.

God protect your lordship. Fort of St. Stephen, Arkansas, March 31, 1801. Carlos de Vilemont. To Don Nicolas Maria Vidal.

## No. 120.

I communicate to your lordship that the Osages have killed Miguel Petit, a hunter of this post, who was coming down the river Arkansas, at the distance of 150 leagues from this post.

God preserve your lordship. Fort of St. Stephen, Arkansas, February 5, 1802. Carlos de Vilemont. To Don Manuel de Salcedo.

## No. 117.

I communicate to your excellency that Levy Pery, a Chickasaw half-breed, has requested my permission to establish himself at a place called "Petite prairie," at the distance of about 29 leagues from this post, on the banks of the Mississippi, in order to prevent the Indians of the said nation from stealing the horses and killing the cattle of the inhabitants of this post, against whom they commit all kinds of excesses. He wishes to establish himself there only with his family. I request the decision of your lordship on this subject.

God preserve your lordship many years. Fort of St. Stephen, Arkansas, October 25, 1801. Carlos de Vilemont. To Don Nicolas Maria Vidal.

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Felix Grima being duly sworn, deposes that he has compared the foregoing translated extracts from letters written by Carlos de Vilemont, the commandant of Arkansas, to the Spanish Governors of Louisiana, from the year 1794 to 1802, with the originals contained in a letter-book having written on its cover the following title, "Libro de Correspondencia con el Sr. Gobernador," and to which an affidavit is annexed by Louis Bouligny, Esq., showing that it is the blotter of the official correspondence of the said Carlos de Vilemont with the Governors of Louisiana, during the time he was in command of the post of Arkansas. Deponent further says that the said extracts numbered 1, 10, 23, 31, 35, 36, 37, 42, 65, 101, 102, 103, 106, 108, 111, 113, 114, 116, 120, and 117, are correct and faithful translations of the whole or of part of the letters contained in the said book bearing the same numbers. F. GRIMA.

Sworn to and subscribed before me at New Orleans, December 29, 1836.

EDWARD RAWLE,

*Judge of the city court.*

LETTERS FROM THE GOVERNORS OF LOUISIANA,  
IN ANSWER TO VILEMONT'S COMMUNICATIONS.

NOUVELLE ORLEANS, *Mars 6, 1796.*

Je vous remets ci-joint, Monsieur, une lettre de M. de Blanc, ci-devant commandant des Natchitoches, par laquelle il vous mande sans doute qu'il ne peut se rendre au rendezvous que vous lui avez indiqué, parceque les Cadaux et les autres nations circonvosines refusent de faire la paix avec les Osages, en consequence vous vous y rendrez seulement avec les Arkansas; nonobstant j'espere que le nouveau commandant, Don Felis Trudeau, parviendra à les ramener à la saine politique et à leur intérêt qui exigent imperieusement cette paix.

Sous peu de têmes il montera un ingenieur pour lever le plan du fort et du terrain des arkes, ainsi que des autres portes fortifiées sur les deux rives du Misisipi, lequel fera les devis, et formera le projet des ameliorissemens convenables à chaque, pour le tout être examiné dans une assemblée ou conseil d'officiers generaux qui sont nommés à ce sujet, ainsi il pourra en même têmes, ordonner les réparations absolument indispensables à votre fort.

Le traité des limites et de navigation conclu entre l'Espagne et les Etats Unis d'Amerique, portera peutêtre quelque changemens à la situation de nos postes sur le Misisipi, comme nous en ignorons encore la teneur, on ne peut que former des conjectures à cet égard.

Je vous ai marqué ci-devant, que j'avois passé une parole très forte à la nation Chicasaw sur les déprédations que quelques uns de ses guerriers commettent à votre poste. Si elle ne fut pas d'effet, il sera à propos de tacher d'en arreter un ou deux, et de me les envoyer; je les tiendrai en prison quelque têmes, ce que leur fera plus d'impression que tout le reste.

Madame de Carondelet me charge, ainsi que ma fille, de vous faire bien des remerciemens des langues excellentes que vous leur avez envoyées; je me joins à elle pour vous assurer du sincere attachement avec lequel j'ai l'honneur d'être,

Monsieur, votre très humble,

Et très obeissant serviteur,

LE BARON DE CARONDELET.

Monsieur CHARLE DE VILEMONT.

NOUVELLE ORLEANS, *ce 29 Avril, 1796.*

En reponse, Monsieur, à vos lettres du 22 Fevrier, 12 Mars, et 12 Avril, j'ai l'honneur de vous dire que vous avez très bien fait de temoigner l'attachement à Yguluyacabé, grand chef de la nation Chicasaw, à qui nous devons notre établissement des Ecores, et qui est pensionné par le roi. Desorte que nous pouvons compter sur son parti, qui est très considerable dans la nation; mais vous devez faire en sorte d'eloigner sans vous compromettre les sauvages de ce bord, qui sans cela detruiront la chasse de l'autre, et devasteront nos établissements. Le moyens le plus assuré, comme je vous l'ai déjà dis, est de maintenir la paix entre la nation Arkansas et celle des Osages, à fin que ceux ci pouvant s'approcher sans crainte du

poste mettent les sauvages de l'autre bord dans le cas de n'oser s'avancer dans le pays de crainte de les rencontrer. Les Cadaux ne veulent pas la paix, avec les Osages ainsi il faut les laisser agir comme bon leur semblera.

J'ai refusé la permission que m'ont demandés deux Ameriquains de traverser le fleuve avec des partis Choctaws, pour aller chasser dans vos cantons ; s'ils s'y rendent, et que vous puissiez les arreter sans dangers, envoyez les bien assurés à Nogales, d'ou on me les fera passer. Quant a votre fort, il ne faut pas penser à le changer de place dans les circonstances presentes d'autant que les edifices en ont été faits il y a peu d'années à neufs, mais nous voirons de le faire entourer d'une bonne palissade et une banquette.

J'ai reçu le minot de froment que vous avez eû la bonté de m'envoyer, et que j'ai remis au Capitaine General qui m'e l'avoit demandé, il seroit bien à desirer que tous ces établissemens de la haute Louisiane s'adonnassent à la culture du bled, qu'à la traite qui ne produit qu'un bien être passager ; nous manqueons absolument de farine, desorte que nous mangeons depuis hier du pain meslé avec du ris.

Je suis très sensible au compliment que vous avez bien voulu me faire sur le grade de marechal-de-camp, que le roy m'a accordé ; on pretend que cette grace a été suivie de la Capitainerie General de la Havane, mais cette nouvelle merite confirmation ; si elle etoit certaine j'en serois doublement flatté, puisqu'elle me procureroit l'avantage d'être utile à la Louisiane, et à ceux que j'ai l'honneur d'avoir actuellement à mes ordres.

J'ai reçu une lettre de M., votre frere, qui continue à jouir d'un accueil favorable de la part du Premier Ministre, ainsi il doit esperer d'être dans peu très avantageusement placé.

Ces dames me chargent de vous dire bien des choses gracieuses de leur part. Portez vous bien et disposez, Monsieur, de votre très humble, et très obeissant serviteur,

LE BARON DE CARONDELET.

Monsieur DE VILEMONT.

NOUVELLE ORLEANS, May 14, 1796.

J'ai reçu, Monsieur, votre lettre du 28 Avril, qui m'apprend que Mr. Chouteau a reçu trop tard l'avis du rendezvous au Cadran bleu, que vous lui aviez indiqué. D'après le traité de limites conclu avec les États Unis, qui redeviennent maitres de l'autre bord du fleuve, il sera plus necessaire que jamais aux nations du votre de se tenir etroitement unies entre elles, pour en ecarter les sauvages Chies, Chactaws, et Talapouches, que les Ameriquains engageront à aller chasser de leur coté.

Don Juan Perchet est chargé d'examiner en homme de l'art la situation la plus favorable pour faire un fort respectable aux Arkansas ; en attendant il disposera des moyens de mettre l'actuel hors d'être insulté, par une bonne palissade avec sa banquette, et quelque pieces d'artillerie bien placées ; desque les troupes se retiront des Ecores, elles completeront en passant votre garnison jusqu'à quarante hommes. Mais vous devrez faire tout votre possible pour empêcher les Ameriquains de passer

- le fleuve, et de venir s'établir sous votre commandement, a moins que ce ne soient de bons laboureurs en grains qui y viennent avec les outils et les moyens nécessaires pour la culture du bled, car il faut favoriser ceux ci en tout ce qui dependra de vous.

J'ai renouvelé mes recommandations à Mr. Chouteau de tenir ses Osages en paix avec votre poste ; de votre côté, vous devez engager vos gens à les accueillir partout où ils les trouveront.

Ces dames mes chargent de vous faire bien des amitiés de leur part et moi je vous prie de me croire, avec le plus sincere attachement,

Monsieur, votre très humble,  
Et très obeissant serviteur,

LE BARON DE CARONDELET.

Monsieur DE VILEMONT.

NOUVELLE ORLEANS, *Septembre 12, 1796.*

N'ayant reçu, Monsieur, aucune nouvelle des Arkes depuis vos lettres du 8 et 10 Aout, je suis fort inquiet sur le sort qu'aura eû la maladie de Don Juan Perchet, que j'estime infiniment, et à qui je serois au desespoir qu'il fut arrivé quelque accident facheux ; s'il a eû le bonheur de s'en tirer, comme je l'espere, il ne doit pas tarder à descendre, car je ne peux rien determiner concernant les fortifications du fort que je ne reçoive les renseignemens que je lui ais demandé ; nous voirons à y elever également une eglise et une maison curiale.

Je crois que le parti que prennent les chasseurs du poste, de se faire accompagner par dix soldats de la nation Osage des plus determinés, est en effet le plus certain pour faire leur chasse avec securité, j'en écris très sérieusement à Mr. Chouteau, en lui ordonnant également de faire rendre les vingt chevaux, les sept carabines, et le fusil qui ont été enlevés.

Votre poste va devenir aussi important que considerable ; d'après le traité de navigation et limites conclu avec les Etats Unis, une quantité d'étrangers Catholiques établis en Amerique, et degoutés de leur Gouvernement, se disposent à emigrer avec tout leur bien à la Louisiane, des propositions m'ont déjà été faites à ce sujet, et j'espere qu'au printemps vous en voirez les effets : ainsi votre poste n'aura plus à redouter les sauvages.

J'ai passé à Mr. De Boulogny le vale de cent piastres que vous m'avez fait passer.

Agréez les remerciemens de votre souvenir de la part de ces dames nous avons eû le malheur de perdre en deux jours de maladie, mon frere ex-chanoine de Cambrai, et été sur le point de perdre également mon fils, ce qui nous a rempli de chagrins. J'ai l'honneur d'être, avec le plus sincere attachement,

Monsieur, votre très humble,  
Et très obeissant serviteur,

LE BARON DE CARONDELET.

Envoyez moi, je vous prie, les langues que je vous ai demandé, pour les remettre à Madrid, mais en y joignant le prix.

Monsieur DE VILEMONT.

NOUVELLE ORLEANS, 17 *Fevrier*, 1797.

J'ai reçu, Monsieur, vos lettres du 20 et 29 Decembre, aux qu'elles je n'ai pu repondre plustôt parcequ'une pirogue du poste est reparti sans prendre de passeport.

Je suis bien fâché de ne pouvoir informer votre placet pour le grade, vous avez devant vous Messieurs Collet et Portell, qui le meritent de preference par leur ancienneté de services, et particulièrement le dernier, qui va à 42, et plusieurs campagnes; mais pour adoucir cette nouvelle, j'ai dis à Madame, votre mere, que je vous laisserai aux Arkansas, tant que vous vous y. comporterez comme vous l'avez fait jusqu'à present.

Comme les Ecores, Nogales, et Natches, vont être évacués, j'ai donné l'ordre de vous remettre de Nogales quatre pieces de quatre, quatre pierriers, un artilleur, et un caporal, et dix fusiliers du fixe, portant dors en avant votre garnison à 40 hommes. J'envoie également le nommé Rivas *Sobrestante* des ouvrages de fortification, avec un charpentier, pour planter la nouvelle palisade; la garnison sera employée à cet ouvrage et à relaire la banquette: à chaque bastion en formera quatre embrasures pour le canon, qui se fermeront comme les sabords d'un vaisseau, et les crenaux pour la mousqueterie seront ouverts à six pieds au moins de terre; de cette façon vous serez au moins en sureté contre les sauvages à qui vous pourrez faire la loi, au lieu de la recevoir.

J'ai ecrit fortement à Mr. Chouteau, qui obtiendra la tête de l'Osage qui a tué le chasseur des Arkes, ou perdra son privilege.

Je suis très reconnoissant des langues que vous m'avez envoyé, et qui sont deja parties pour Madrid; mais je vous avois prié de m'en faire savoir le montant, etant destinée au Marquis De Tranda, oncle de Madame De Carondelet, qui me les avoit demandé; elle me charge de vous en reiterer ses remerciemens, ainsi que ma fille qui vous fait bien des compliments.

J'ai l'honneur d'être, avec la plus parfaite consideration,

Monsieur, votre très humble,

Et très obeissant serviteur,

LE BARON DE CARONDELET.

Monsieur DE VILEMONT.

ABORDA DE LA VIGILANTE, 6 *Enero*, 1796.

MI MUI ESTIMADO AMIGO: Me tenia propuesto el gusto de hacarle a Vm. una visita en su Puerto y recorrer un poco del pais, pero las resultados de mis viajes me ponen en la precision de baxar quanto antes, ademas tengo con migo una numerosa comitiva que no pueda dexar. Todas estas circunstancias me ponen en la desagradable situacion de no poder dar a Vm. un abrazo ahora, pero sera en otra ocasion.

Doy a Vm. las sinceras gracias por los hermosos abanicos que embra a mi casa; me avisan que son los mas bonitos que han visto.

Veré al Am. Rhea al poso por Natchez o quiras en Nueva Orleans. Hagame Vm. el gusto de dar mis expresiones a Mon. Fagot, como asimismo a Madame Valier y su familia.

Puedo asegurar a Vm. que se toman las mas serias medidas qua impe-

dir que los Osages hagan dano a las gentes de este Puerto. Me consta que han matado el que vino aqui ultimamente, con cuyo escarmiento poco a poco dexaran de ser porjudiciales.

Rehitero a Vm. mi fino afecto con el que queda ala obediencia de Vm su maior apanonado J. B. S. M.

MANUEL GAYOSO DE LEMOS.

Sr. Don CARLOS DE VILEMONT.

NUEBA ORLEANS, 4 de Abril, 1799.

MI ESTIMADO AMIGO : He recibido las mui apreciabiles de Vm. a que he dexado de contextar por las apuradas circunstancias en quel me halla faltandome el tiempo para attender a mi correspondencia particular. Doy a Vm. muchas gracias por las lenguas, quel salieron mui buenas.

Vm. permanecera en ese Puerto algun tiempo mas, pues he destinado para que le releve Don Francisco Casaluengo quando sea capitan y seguramente no lo sera dentro de un ano pues hay quel embiar nueba propuesta ; asi tendra Vm. tiempo para redondearse y disfrutad de este mando algun tiempo mas, lo quel hago con mucho gusto no solo por consideracion a Vm. sine por la de su respectable madre y familia.

He ofrecido a los Arkansas quel han baxado con Vaugine, que escribiria a los Gobernadores y generales Americanos para impedir quel los Choctas vagan en partida de Guexar sobre los Cadoes, con lo que se van contentos digalo Vm. tambien a la nazon y qui tengan presente lo quel he dicho a estos que baxaron, sobre matar el ganado de los vecinos, &c.

Paselo Vm. bien y mande a su seg. serv. J. B. S. M.

MANUEL GAYOSO DE LEMOS.

Sr. Don CARLOS DE VILEMONT.

ARKANSAS, 10 de Novembre, de 1803.

MI DUENO Y AMIGO : Quanto mas se acerca el tiempo de decidirse de nuestra cruerte, ô bien de embiar al Gobierno el citado de la artilleria municiones, &c. tanto mas me coscuenta assurado por la falta de las 750 20c. convavidas, y mas assurado por no tener conqué hacer frente a las insolencias de los Indios insuportables de dia en dia, haviendome visto precisado a denacer algunos cartuchos para municionar la trope y cargar los morteros en dos alertas que hé tenido, la una cansada por Pery, que pintado, y con su carabina vino de echo a matarme al fuerte por haberle recusado ( citando borracho ) una botella de aguardiente, y aunque seme hà escusado de ello conque no cabia loque se hacia, tengo, y no soycolo sospechas de que era asunta premeditado. Evitose, como se pudo la desgracia ; y ya sea cito, votra cosa hà levantado el real, y se pié con su familia a la Petit Prairie.

Ahi và la copia de la responsaralidad que Vm. me hiro paraque pueda embiarme, como lo espero, por primera ocasion loque contiene. Temo que cita campana a lo alto del rio nos sea fatal, porque hasta a hora no se



han offreciamas que dificultades para encontrar a los Osages: tres veces salio de aqui para ello Jph. Bogy, y su padre no lo pudo executrer hasta el 31 de Septiembre. Nada sabemos aun de aquel, y si que una gran partida de cita nacion hà robado varios cavallos de los casadores, desapareciendo uno de citos llamado Sevellé: Juan Lavergne se bolrio uno de citos dias, con varios otros por haberle robado, y destrorardo su campamento. Vea Vm. si cito puede tenernos car cuidado, principalmiente a M. Bogy, interesada en su Marito, y dos hijos. En cite citado de cojas se preparaban los famosos Arkansas Sarracen y Guachinango à levantar cada uno su partido para ir contra los Osages, pero pude disuadirles de su intento: Osala pudiere hacer lo mismo, con otras partidas de Chactas, que pareia se preparan ál mismo fin segun me hà dicho Baset, que acaba de llegar de Natches.

Espero se hará Vm. cargo de mi embarro, y que creerà que si por aqui hubiere podido remediarlo evitaria por a hora el recordarlo à Vm. pero las circunstancias son tan criticas, que no me permiten suspenderlo.

Queda de Vm. como spre. su màs afectma. y aparion. serv. y amigo J. S.M.B.

### FRAN'CO CASO Y LUENGO.

Sr. Don CARLOS DE VILEMONT.

P. D. Quando escrivi cita, se proponia a baxar Belhuracur pero mudò de parecer, y solo ha ido hasta Natches desde entonces aqui no se hà proporcionado otra ocasion hasta la presente, por laque sabra Vm. quanto para en la scrivera, por loque escuso el repetirlo.

Los Americanos que se dejan caa por aqui nos anuncian la proxima llegada de su patriotas a tomar posesion de loque los Francoses les han vendido: cada notécià de cita es una punatada para mi, por la situacion enque Vm. me tiene, expuesto al mayor sonroso: hagase Vm. cargo de ella para cacarme sur mas perdida de tiempo, y antes que se vaga à vrar de su licencia, como me han dicho pensaba la primuva proxima.

Con su arivo de Vm. entregaré a Mr. Bogy, ó quien gusto loque quedó a deverla por los efectos, o muebles, que me vendio; y en el interim, y siempre queda de Vm. con todo afecto.

LUENGO.

### STATE OF LOUISIANA, *parish of Orleans*:

Louis Bouligny being duly sworn, deposes that the eight original letters, addressed to the late Carlos de Vilemont, to which this affidavit is annexed, five of which are from Governor Carondelet, and dated March 6, 1796, April 29, 1796, May 14, 1796, September 12, 1796, and February 17, 1797; two from Governor Gayoso de Lemos, and dated January 6, 1796, and April 4, 1799; and one by Caso y Luengo, the commandant of Arkansas, dated November 10, 1803, are all signed and entirely written in the hand-writing of the persons by whom they purport to be signed. Deponent was well acquainted with the said persons, and knows their hand-writing perfectly. Gayoso de Lemos was in 1796 Governor of Natchez, and in 1797 he was appointed Governor of Louisiana. Caso y Luengo was an officer in the regiment of Louisiana, in

which deponent was also an officer. Deponent's father was the colonel of that regiment, and Caso y Luengo was, for some time, his secretary.  
L. BOULIGNY.

Sworn to and subscribed before me,

EDWARD RAWLE,  
*Judge of the city court.*

NEW ORLEANS, *December 27, 1836.*

*Extract from a letter of Governor Carondelet to Carlos de Vilemont, dated New Orleans, March 6, 1796.*

I send you enclosed a letter from Mr. de Blanc, formerly commandant of Natchitoches, in which he, no doubt, informs you that he cannot attend at the place of meeting which you have indicated to him, because the Caddoes and other neighboring nations refuse to make peace with the Osages, consequently you will go there only with the Arkansas. I hope, nevertheless, that the new commandant, Don Felix Trudeau, will succeed in bringing them to reason, and to understand their own interests, which imperiously require this peace. \* \* \*

I wrote to you before this that I had sent a very strong talk to the Chickasaws, concerning the depredations which some of their warriors commit at your post. If this fails to produce effect, it will be proper to endeavor to take one or two of them and to send them to me. I shall keep them some time in prison, which will produce more impression than all the rest.

*Extract of a letter from the same to the same, dated the 29th of April, 1796.*

In answer to your letters of the 22d of February, 12th of March, and 12th of April, I have the honor to say, that you have done very well to show friendship to Igulagacabe, great chief of the Chickasaw nation, to whom we owe our establishment of the "Ecores," and who is pensioned by the King; thus we can rely on his party, which is very considerable in the nation; but you ought to endeavor, without exposing yourself to any difficulty, to keep away the Indians of this side of the river, who otherwise would destroy the chase on the other side, and lay waste our establishments. The most certain way to do this, as I already told you, is to preserve peace between the Arkansas and Osage nations, in order that these may approach the post without fear, and thus prevent the Indians of the other side from going into the country, from apprehension of encountering them. The Caddoes will not make peace with the Osages; so we must let them do as they please.

*Extract of a letter from the same to the same, (Carondelet to Vilemont,) dated May 14, 1796.*

Owing to the treaty of limits concluded with the United States, which become again masters of the other side of the river, it will be more necessary than ever for the nations on your side to remain closely united, to keep away the Chics, Choctaws, and Talapouches, whom the Americans will persuade to go hunting on their side.

Mr. Juan Perchet, a professional man, has been ordered to examine the most favorable situation for a respectable fort in Arkansas; in the mean time he will use what means exist, to put the present fort in a condition not to be insulted, by a good palisade with its banquette, and some well-placed pieces of artillery. As soon as the troops will withdraw from the "Ecores," they *will complete, in passing your garrison, to forty men.*

I have again recommended to Mr. Chouteau to keep his Osages in peace with your post; on your part you ought to advise your people to treat them well whenever they meet them.

*Extract from a letter from Carondelet to Vilemont, dated September 12, 1796.*

I believe that the determination which your hunters have formed, to go out accompanied by ten of the most determined Osage warriors, is indeed the best way to pursue the chase with security. I have written to Mr. Chouteau very seriously about it, ordering him at the same time to procure the restitution of the 20 horses, 7 rifles, and the gun which have been taken away.

Your post will become very important and considerable. In consequence of the treaty of navigation and limits concluded with the United States, many Catholic strangers established in America, and disgusted with their Government, are disposed to emigrate with all their property to Louisiana. Propositions have already been made to me, and I hope that next spring you will see their effects. Thus your post will have nothing more to fear from the savages.

*Extract from a letter from Carondelet to Vilemont, dated February 17, 1797.*

I regret that I cannot approve your petition for advancement; you have before you Messrs. Portell and Collet, who deserve it in preference, by seniority of service, particularly the latter, who has been 42 years in the service and in several campaigns; but, to soften this information, I told your mother that I shall leave you in Arkansas as long as your conduct shall be such as it has been hitherto.

As the Ecores, Nogales, and Natchez will be evacuated, I have given orders to send you from Nogales four 4-pounders, 4 swivels, a cannonier, and a corporal and ten fusiliers of the fixed regiment; thus increasing your garrison to forty men.

*Thus you will at least be secure against the savages, to whom you will be able to give the law instead of receiving it from them.*

I have written in strong terms to Mr. Chouteau, who will either obtain the head of the Osage who killed the hunter from your post or lose his privilege.

*Extract of a letter from Manuel Gayoso de Lemos (then Governor of Natchez) to Carlos de Vilemont, dated January 6, 1796.*

I can assure you that serious measures are taking to prevent the Osages from injuring the people of this post. I have been informed that one

who lately came here has been killed ; this punishment will deter them from doing more harm.

*Extract from a letter from Manuel Gayoso de Lemos (then Governor of Louisiana) to Carlos de Vilemont, dated New Orleans, April 4, 1799.*

You will remain a little longer at the post, for I have destined Dn. Francisco Caso y Luengo to be your successor when he shall be a captain, which will assuredly not be before a year ; for it will be necessary to send on a new proposition ; thus you will have time to settle your business and enjoy your command a little longer ; which I do with great pleasure, from regard not only for yourself, but also for your respectable mother and family.

I told to the Arkansas who came down with Vaugine, that I would write to the American Governors and Generals to prevent the Choctaws from going to war with the Caddoes, with which they were satisfied. Please also to tell to the nation to keep in mind what I told to those that came down concerning the killing of the cattle of the inhabitants, &c.

*Extract from a letter from Francisco Caso y Luengo ( Vilemont's successor as commandant of Arkansas) to Carlos de Vilemont, dated November 10, 1803.*

The nearer the moment approaches which is to decide our fate, or to send to the Government an account of the artillery, ammunition, &c. the more I am embarrassed by the want of the 750 rations, and of the means to oppose the insolence of the Indians, which every day becomes more insupportable. I have been under the necessity of opening some cartridges to arm the troops and to charge the mortars in two alarms, one of which was occasioned by Pery, who came to the fort painted and with his rifle, on purpose to kill me, because I had refused him a bottle of brandy when he was drunk, and although he has (since) excused himself, saying he did not know what he was doing, still I have suspicions, and I am not the only one that has, that this was a preconcerted affair. His rudeness was avoided as well as could be, and whether it be for this or some other reason, he raised his encampment and went with his family to Little prairie.

I fear that this campaign up the river will be unfortunate, because as yet nothing but difficulties have been met with, for the Osages are in the way : three times Joseph Bogy and his father started from here to go there, but could not succeed until the 31st of September. We know, as yet, nothing of him, and have understood that a large party of that nation have stolen several horses from the hunters, one of whom, by the name of Leveille, has disappeared. Juan Lavergne returned some days ago with several others, having been robbed and their encampment having been destroyed. You may judge whether all this keeps us in anxiety—principally Madame Bogy, who fears for her husband and sons. In this state of things the famous Arkansas, Sarracen, and Guachinango, prepared themselves to raise each his party to march against the Osages, but I succeeded in dissuading them from the attempt. I greatly wish I could



succeed as well with other parties of Choctaws, who it seems, are making preparations for the same object, as I have understood from Baset, who has just arrived from Natchez.

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Felix Grima being duly sworn, deposeeth that he has compared the eight preceding translated extracts from letters written by Governor Carondelet, on March 6, 1796, April 29, 1796, May 14, 1796, September 12, 1796, and February 17, 1797; by Governor Gayoso de Lemos, on January 6, 1796, and April 4, 1799; and by Caso y Luengo, the commandant of Arkansas, on November 10, 1803, with the original letters to which an affidavit is annexed by Louis Bouligny, Esq. showing that those letters are entirely in the handwriting of the persons by whom they purport to have been signed. Deponent further says that the said extracts are correct and faithful translations of the corresponding parts of the said letters.

**FELIX GRIMA.**

Sworn to and subscribed before me,

**EDWARD RAWLE,**  
*Judge of the city court.*

**NEW ORLEANS, December 29, 1836.**

# PETITION OF A NUMBER OF CITIZENS OF ARKANSAS,

*Praying that the confirmation of the claim of the heirs of Don Carlos de Vilemont may be confined to Point Chicot, &c.*

IN SENATE, JANUARY 17, 1837.—Referred to the Committee on Private Land Claims.

JANUARY 20.—Ordered to be printed.

*To the honorable the Senate and House of Representatives of the United State :*

The petition of the undersigned inhabitants of the town of Columbia, in Chicot county, State of Arkansas, and of adjoining tracts understood to be embraced in the Spanish claim of the heirs and representatives of the late Carlos de Vilemont, and heretofore sold by the United States, respectfully sheweth :

That they beg leave to join the heirs and legal representatives of the late Carlos de Vilemont in their prayer for the confirmation of the concession of the said Carlos de Vilemont, with certain modifications, which, while they will secure to your petitioners the peaceable possession of the property which they have bought from the United States, and have since improved in good faith, will at the same time offer to the claimants an adequate compensation for that portion of their claim which has been sold as public land since 1830, and settle their title to the tract of land which has hitherto been reserved from sale on account of the said claim.

A brief statement of the circumstances attending the sale of the lands occupied by your petitioners will explain and show the justice of this application. In 1830, a considerable extent of land above, below, and behind Point Chicot, and extending back to Old-river lake, was offered for sale by a proclamation of the President of the United States. All this land being of a very superior quality, was then or shortly afterwards either sold or covered by Lovely claims, with exception of so much thereof as lay in township 15 south, range 1 east of the fifth principal meridian line, which was reserved by the register and receiver, on account of said de Vilemont's claim. This reserved land is the point of land known by the name of Point Chicot, or at least the greater part of it, and includes upwards of 4,000 acres. It remains unsold to this present moment, and is occupied by the widow and heirs of de Vilemont, Horace F. Walworth, B. L. Miles, and the heirs of Boone.

This reservation of 4,000 acres is, however, far from sufficient to answer the call of the claim, which is for two leagues front by one league in depth ; and if the claim was confirmed for its whole extent, it would of course embrace the lands adjoining the point, and now owned by your petitioners. Under this apprehension, your petitioners, who have bought with the sanction of the Government, and in the belief that they were acquiring a good title, have hitherto resisted the confirmation of the claim, and still believe that they ought to be maintained in their possessions.

If, on the other hand, the claimants had a valid claim, and the aforementioned sale took place through an error of the officers of the Government, it would not be worthy of the enlightened justice of the American

Government, if they were thus absolutely deprived of the greater part of their property.

Under these circumstances, it is believed, both by the claimants and your petitioners, that substantial justice could be rendered to all the said persons, if, as they now presume to pray, the claim was absolutely confirmed for so much of the land as has never been sold by the United States, on Point Chicot, east of the fifth principal meridian line, and if, for the remaining portion of the claim, which has been sold, the claimants were permitted to locate an equal number of acres on other unappropriated lands.

Your petitioners will only permit themselves to add some further reasons, which they hope will be found of some weight in deciding on their application.

It has always been a fact of general notoriety in this neighborhood, that the late Carlos de Vilemont had a grant to Point Chicot, and his family has been for many years and is now residing on the point. But the claim has never been surveyed; its precise location, its extent beyond Point Chicot, properly so called, the direction of the side and rear lines, and its very superficial extent, were not known among the inhabitants of the county.

Your memorialists believe that since the death of Don Carlos de Vilemont, which occurred about 1824, his family, principally composed of ladies and young children, were not much better informed on the subject than your petitioners, and not even in possession of a copy of the grant, the original having been laid before Congress by a distant agent of the claimants in support of their application for its confirmation. In 1830, your petitioners or their vendors, found the lands, now their property, advertised for sale; they necessarily supposed that the agents of the Government acted within the scope of their duties and with a full knowledge of the subject, and that it had been ascertained that the said lands were not covered by the claim. Your petitioners were not bound to and did not make any further inquiries; they thought it sufficient to have the authority of the agents of the Government for believing their lands public property, and they bought them with the sanction and upon the invitation of the Government. Since then, the county town of Columbia has been established above Point Chicot, on the land thus purchased in 1830, which is now stated to be in the limits of the original grant. The county seat, which was formerly established on Point Chicot, on a small tract given to the county by Andrew Latting, a settler, was removed to Columbia, and one of the principal reasons for this measure was, that Andrew Latting's donation was covered by the Vilemont claim, and that Columbia was believed to be without the limits of it; for the same reason the county commissioners, appointed under an act of the Territorial Legislature of the 31st of October, 1831, to choose the county seat and receive donations for it, refused a donation offered by John C. Jones on Point Chicot, which was also within the limits of the original settlement of Andrew Latting. Since that period, the town of Columbia has been steadily progressing, and is now one of the most flourishing villages of the State. Other tracts, sold since 1830, and claimed under the Vilemont grant, have been brought under cultivation, and are covered with valuable improvements; much of the property similarly situated has repeatedly changed

hands, and been sold at prices incomparably higher than their first cost; and it may be safely asserted that all this property has similarly increased in value, and that the confirmation of the claim to the portion of lands thus sold would bring ruin upon many individuals who acted in all matters relating to this property with the most entire good faith.

If the preceding reasons be thought entirely sufficient to prevent the confirmation of the claim to such portions as are held by your petitioners under the United States, it must however be acknowledged that the refusal of a compensation to the claimants for the land sold would be a great hardship.

The memorialists are informed by the claimants that, if the claim was not surveyed, it is not attributable to their neglect; that under the Spanish Government it was next to impossible to induce a surveyor to come to this remote and then unsettled district; that since the change of Government they were not permitted to have the claim surveyed, special orders having been given to this effect; that since 1812, unremitting exertions have been made by their agents to procure the confirmation of the claim; that the sale of 1830 was unauthorized, and contrary to express law, as the claim had been regularly filed for confirmation; that, independently of this, their agent, William Russell, then agent, protested in writing against the sale, and filed a caveat in the land office at Little Rock; and that the claim is unquestionably valid according to the usages and customs of the Spanish Government, and entirely similar to hundreds of Spanish claims which have heretofore been unhesitatingly confirmed by Congress.

It will behoove the claimants to lay the proof of these facts before your honorable houses. The petitioners are not called upon nor competent to decide on the principles which ought to govern this claim, but if, as they are inclined to believe, it is valid, and protected by the treaty of cession, the compensation which the claimants solicit for that portion of their claim which has been sold, is but an imperfect indemnity, for they can certainly find no vacant lands in this State equal in value to those to which they propose to abandon all further claim.

Still less would your honorable houses probably hesitate to confirm the claim to that portion of the claim embracing Point Chicot itself, which has not yet been sold, for this was expressly reserved for the claim; it never was doubted that the claim covered it. Part of it has been for many years uninterruptedly occupied by the Vilemont family, who are the oldest settlers on it, and their claim to it was known to nobody better than to the other settlers, their immediate neighbors. Some of the subscribing inhabitants of Chicot county, without being the owners of property within the supposed limits of the de Vilemont claim, have presumed to join in the prayer of their fellow-citizens—knowing it to be a subject of great importance to the community of which they are members, that the title of the valuable property claimed under Carlos de Vilemont's concession should be definitely settled, and believing that the decision prayed for in this memorial is according to justice and worthy of the American Government.

The petitioners therefore respectfully pray that the claim of the heirs and legal representatives of the late Carlos de Vilemont be confirmed to that portion of Point Chicot which lies east of the 5th principal meridian line, in townships 14 and 15 south, range 1 east, and that, for the balance



of their claim which has been sold by the United States, they be permitted to locate an equal number of acres on unappropriated public lands within the State of Arkansas.

F. Steuart	Henry Burnett	John L. Fisher
Jas. L. Brown	Reymond R. Mathis	Jacob Colson
James H. Check	J. H. Hannicutt	William H. Wilson
John Ingles	Cephas Smith, jr.	Stokely Ward
John White	J. W. Michie	Pendleton Hill
James Russell	Reuben Smith	Jefferson Forsythe
David Clay, his + mark	George Beal	John Mathis
Hiram Monell	John D. Heard	Jesse Skinner
Patrick O'Hara	William S. Oliphant	Button Ward
Cephas Smith, sen.	John C. Hamilton	Samuel Wallace
A. Brookir	John Wright	D. W. Penington
William Taylor	Thomas Gosley	P. S. Penington
A. W. Webb	Francis Royeraff	A. G. Brown
Hugh White	Hugh McGary	William Mathis
J. B. Maulding	John Sumner	John Stuart
Daniel Roberts	John P. Obannon	James M. Stuart
S. H. Dabney	John W. Mauldin	Spencer C. Heard
Daniel W. Hampton	G. White	B. G. White
Peter Hanger	Samuel D. Walker	George H. Offutt
John B. Winetor	James B. Farell	James P. Ford
Abraham Ransom	James Estill	S. Monroe
Wm. A. Hardy	William Johnson	Tully Sawyer
Thomas Jones	Thos. J. Thurmond	N. B. Estill
Hiram Bryant	Eastriland Venters	Willim Jones
Benjamin L. Moss	Thomas Brady	John H. Gilliam
Wm. W. D. Pettit	Thomas Stokes	W. R. Wills
William Ingram	Samuel Estill	Zephaniah Harvey
Alexander Kerr, jr.	Edward Vaughn	F. Clawson
Thomas J. Wildman	Frederic Skinner	George D. Lampkin
W. P. Reyburn	Samuel H. Estill	R. W. Carpenter
S. E. Jones	Jacob Obannon	J. Fuller
James M. Fevers	Wm. H. Gains	W. Stevens, his x mark
Joseph Ward	James F. Taylor	Henry Roberts
N. Faulkner	Drew White	B. F. Summers
G. H. Dale	John Buzzard	J. Jonson
Benjamin Patton	Thomas W. Copeland	Jno. D. Camp
U. B. Patton	Samuel Copeland	Luther Pike
William R. Jones	S. C. Faulkner	D. Pemberton
Jno. C. Hanna	Cyrus Hathaway	



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## MEXICO AND TEXAS.

## MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

TRANSMITTING

*The information required by a resolution of the House of Representatives, upon the subject of the condition of the political relations between the United States and Mexico; also, on the condition of Texas.*

JANUARY 26, 1837.

Read, and ordered to be printed.

*To the House of Representatives of the United States:*

In compliance with the resolution of the House of Representatives of the 17th instant, I transmit a report from the Secretary of State, together with the documents by which it was accompanied.

ANDREW JACKSON.

WASHINGTON, January 25, 1837.

DEPARTMENT OF STATE,

Washington, January 25, 1837.

The Secretary of State, to whom has been referred the resolution of the House of Representatives of the 17th instant, requesting the President to lay before that House, if not incompatible with the public interests, any information in his possession, showing the condition of the political relations between the United States and Mexico; and, also, any further information that he may have received on the condition of Texas, has the honor herewith to communicate copies of, and extracts from, such papers in this department as are deemed necessary to show the present state of the political relations between the United States and the Mexican republic. Since the return of the agent who was sent to inquire into the condition of Texas, no additional information has been received on that subject. All which is respectfully submitted.

JOHN FORSYTH.

To the PRESIDENT OF THE UNITED STATES.

S. &amp; R. printers.

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4. Translation of the same.
5. Mr. Monasterio to Mr. Ellis, June 17, 1836.
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10. Commodore Dallas to Mr. Robertson, April 26, 1836.
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18. General Gomez to Mr. Robertson, May 5, 1836.
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21. Mr. Monasterio to Mr. Ellis, June 14, 1836.
22. Translation of the same.
23. Mr. Ellis to Mr. Monasterio, June 16, 1836.
24. Mr. Monasterio to Mr. Ellis, June 21, 1836.
25. Translation of the same.
26. Mr. Ellis to Mr. Monasterio, June 25, 1836.
27. The same to Mr. Robertson, June 29, 1836.
28. The same to Mr. Forsyth, July 16, 1836.
29. Mr. Butler to Mr. Monasterio, March 8, 1836.
30. Mr. Monasterio to Mr. Butler, March 16, 1836.
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32. Mr. Forsyth to Mr. Ellis, July 20, 1836.
33. Mr. Coleman to Mr. Forsyth, May 18, 1836.
34. The same to the same. June 6, 1836.—*Extract.*
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36. The same to Mr. Monasterio, September 26, 1836.
37. Mr. Monasterio to Mr. Ellis, October 3, 1836.
38. Translation of the same.
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50. Mr. Ellis to Mr. Forsyth, October 11, 1836.—*Extract*.  
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52. The same to Mr. Monasterio, October 20, 1836.  
53. Mr. Monasterio to Mr. Ellis, October 21, 1836.  
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55. Mr. Ellis to Mr. Forsyth, November 10, 1836.  
56. The same to Mr. Monasterio, November 4, 1836.  
57. The same to Mr. Forsyth, November 3, 1836.—*Extract*.  
58. The same to the same, December 9, 1836.—*Extract*.  
59. Mr. Forsyth to Mr. Ellis, December 10, 1836.  
60. Mr. Ellis to Mr. Forsyth, December 14, 1836.  
61. The same to the same, December 21, 1836.—*Extract*.  
62. Mr. Perrine to Mr. Ellis, September 4, 1836.  
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65. Mr. Ellis to Mr. Forsyth, September 7, 1836.  
66. Mr. Forsyth to Mr. Ellis, December 20, 1836.  
67. Mr. Ellis to Mr. Forsyth, October 15, 1836.  
68. Mr. Burrough to Mr. Ellis, October 8, 1836.  
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70. Mr. Forsyth to Mr. Ellis, December 9, 1836.—*Extract*.  
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No. 1.

*Mr. Ellis to Mr. Forsyth.—Extract.*LEGATION OF THE UNITED STATES,  
*Mexico, June 23, 1836.*

From the enclosed papers, (B,) you will see the evasive and unsatisfactory answer given to my note of the 30th ultimo, demanding satisfaction of the Government for the outrage committed on the American flag in the capture of the Hannah Elizabeth by the General Bravo, and the imprisonment of the captain, crew, and passengers.

These acts of injustice and oppression are daily perpetrated on citizens of the United States, and every succeeding application for redress is met with cold neglect, and, no doubt, with a secret determination to commit similar offences, seeing that they have heretofore done so with entire impunity. If a satisfactory explanation is not given of this affair in a short time, I shall feel it to be my duty to communicate in the most decisive manner to the Mexican Government the unalterable purpose of the United States not to submit to these reiterated aggressions upon the persons and property of American citizens.

No. 2.

*Mr. Ellis to Mr. Monasterio.*LEGATION OF THE UNITED STATES OF AMERICA,  
*Mexico, May 30, 1836.*

The undersigned, chargé d'affaires of the United States of America has the honor to present his compliments to the acting Minister of Foreign Affairs, and begs leave to call his attention to the capture of an American vessel by the Mexican armed vessel General Bravo, in the port of Matagorda, in the month of November last. The Hannah Elizabeth, of New Orleans, sailed from that port on the 13th of November, 1835, bound for Matagorda, Texas; and, on the 18th of the same month, she stranded on the bar, in attempting to enter the bay of Matagorda. While in this unfortunate condition, she was fired into by the Mexican armed vessel of war General Bravo, boarded by twenty armed soldiers, under the command of two officers, who forcibly took the captain, crew, and passengers from the wreck on board the Bravo, when they were chained in the hold of the vessel until their arrival in Matagorda on the 2d of December, 1835. They were then landed in a naked, feeble condition, and placed under guard of soldiers at the Bravo de Santiago, pillaged of their clothes, after having been on short allowance during their imprisonment on board the General Bravo.

In a time of profound peace, the Hannah Elizabeth was sailing in the pursuit of a lawful trade, under the protection of the flag of a neutral and friendly power, and she had every reason to calculate on the hospitality of



the Mexican Government and people, and more especially when it was known she was in distress. The violence offered to her, under such circumstances, I am well persuaded, is an act of injustice committed without the knowledge of this Government; and I have too high a respect for its character to suppose, for a single moment, it will sanction an outrage directly in opposition to the treaty of amity, commerce, and navigation, subsisting between the two republics. I have been informed the crew and passengers have been set at liberty; but I have not been advised of the release of the captain of the Hannah Elizabeth. I then, in compliance with instructions from my Government, demand the immediate release of this individual, ample damages for the illegal detention of himself, crew, and passengers, and an apology for the insult to the flag of the United States, by the firing of the General Bravo upon the Hannah Elizabeth.

The undersigned embraces the present occasion to offer to his excellency the acting Minister of Foreign Affairs the assurance of his distinguished consideration.

POWHATAN ELLIS.

To His Excellency the ACTING MINISTER OF FOREIGN AFFAIRS.

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No. 3.

*Mr. Monasterio to Mr. Ellis.*

PALACIO DEL GOBIERNO NACIONAL,  
*Mexico, 10 de Junio de 1836.*

El infrascrito, oficial mayor, encargado del despacho de la Secretaria de Relaciones, tiene el honor de comunicar al Señor Powhatan Ellis, que hoy ha trasladado al Ministerio de la Guerra, para que acuerde lo conveniente, su nota de 30 de Mayo ultimo, relativa al apresamiento del buque Americano Hannah Elizabeth, por el Mexicano llamado Grál. Bravo; y luego que el que suscribe reciba contestacion, la pondrá en conocimiento del Sr. Ellis, a quien, entre tanto, reproduce las seguridades de su muy distinguida consideracion y aprecio.

JOSE MARIA ORTIZ MONASTERIO.

Al Sr. POWHATAN ELLIS,  
*Encargado de Negocios de los E. U. de America.*

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No. 4.

*Mr. Monasterio to Mr. Ellis.*

[TRANSLATION.]

PALACE OF THE NATIONAL GOVERNMENT,  
*Mexico, June 10, 1836.*

The undersigned, chief clerk charged with the despatch of the Department of Relations, has the honor to inform Mr. Powhatan Ellis that he has this day conveyed to the Secretary of War, with a view to his suitable ad-

vice, his note of the 30th of May last, relative to the capture of the American barque Hannah Elizabeth by the Mexican, called General Bravo; and that as soon as the undersigned receives a reply, he will make it known to Mr. Ellis, to whom, in the interim, he renews the assurances of his very distinguished consideration and esteem.

JOSE MARIA ORTIZ MONASTERIO.

To Mr. POWHATAN ELLIS,  
*Chargé d'Affaires of the U. States of America.*

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No. 5.

*Mr. Monasterio to Mr. Ellis.*

PALACIO DEL GOBIERNO NACIONAL,  
*Mexico, 17 de Junio de 1836.*

El infrascrito, oficial mayor de la Secretaría de Relaciones, encargado de su despacho, tiene el honor de dirigir al honorable Sr. Powhatan Ellis copia del oficio que há recibido del Ministerio de Guerra acerca del apresamiento de la goleta Americana Ana Elizabeth, por la Mexicana General Bravo, de cuyo asunto trató el Sr. Ellis en su nota de 30 del mes proximo pasado; aprovechando el que suscribe la oportunidad de reproducirle las seguridades de su muy distinguida consideracion.

JOSE MARIA ORTIZ MONASTERIO.

Al Hon. Sr. POWHATAN ELLIS,  
*Encargado de Negocios de los E. U. de America.*

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No. 6.

*Mr. Monasterio to Mr. Ellis.*

[TRANSLATION.]

PALACE OF THE NATIONAL GOVERNMENT,  
*Mexico, June 17, 1836.*

The undersigned, chief clerk in the Department of Relations, charged with its despatch, has the honor to enclose to the Hon. Powhatan Ellis a copy of the official note which he has received from the Minister of War, in relation to the capture of the American schooner Hannah Elizabeth by the Mexican General Bravo, on which subject Mr. Ellis treated in his note of the 30th ultimo; the undersigned availing himself of the opportunity of renewing to him the assurances of his very distinguished consideration.

JOSE MARIA ORTIZ MONASTERIO.

To the Hon. POWHATAN ELLIS,  
*Chargé d'Affaires of the U. States of America.*

No. 7.

*Mr. Tornel to Mr. Monasterio.*

SECRETARÍA DE GUERRA Y MARINA,  
*Mexico, 15 de Junio de 1836.*

Al oficio de V. S. de 10 del actual, sobre el reclamo que hace el Sr. encargado de negocios de los Estados Unidos de America por lo sucedido en las inmediaciones de Matagorda á fines del año proximo pasado entre nuestra goleta de guerra "General Bravo" y la mercante Norte Americana "Anna Elizabeth," tengo el honor de contestar diciéndo que con esta fecha se ha mandado instruir la sumaria correspondiente al comandante general de N. Leon y Tamaulipas, para dictar las providencias correspondientes á fin de aseguron mas y mas la buena armonia entre nuestro Gobierno y el de los Estados Unidos. Reitero á V. S. las protestas de mi consideracion. Dios y Libertad.

TORNEL,

*Sr. Oficial Mayor Encargado de la Secretara de Relaciones.*

Es copia. MEXICO, 17 de Junio de 1836.

JOSE MARIA ORTIZ MONASTERIO.

No. 8.

*Mr. Tornel to Mr. Monasterio.*

[TRANSLATION.]

OFFICE OF THE SECRETARY OF WAR AND MARINE,  
*Mexico, June 15, 1836.*

To the official note of your excellency of the 10th inst. upon the reclamation which the chargé d'affaires of the United States of America has made for the occurrence in the neighborhood of Matagorda towards the close of the year last past between our vessel of war "General Bravo" and the North American trader "Hannah Elizabeth," I have the honor to reply by saying, that the commandant general of N. Leon and Tamaulipas has been this day instructed to communicate a summary of the whole transaction, in order that the corresponding provisions may be decreed, with a view to secure more and more the good friendship between our Government and that of the United States. I reiterate to you the protestations of my consideration. God and Liberty.

TORNEL,

*The Chief Clerk in the Department of Relations.*

Copy. MEXICO, June 17, 1836.

JOSE MARIA ORTIZ MONASTERIO.

No. 9.

*Mr. Ellis to Mr. Forsyth.—Extract.*

LEGATION OF THE UNITED STATES OF AMERICA,  
*Mexico, July 12, 1836.*

On Tuesday, the 14th ultimo, his excellency the Acting Minister of Foreign Affairs called on me and expressed his surprise that an American

squadron should have made its appearance off the bar of Santa Anna de Tamaulipas, with the avowed intention of demanding satisfaction of the authorities of that place for a supposed insult offered to the American consul, and a lieutenant of the United States' schooner Jefferson, when the Government of the United States had an accredited diplomatic agent residing in the Mexican capital. I replied that I had not been apprized of the arrival at Tampico of an American squadron, and could not therefore pretend to state the object of its visit. As I could not give him a satisfactory explanation of the object of such a movement on the part of the public armed vessels of the United States, the conversation closed by his stating that he would address me a note on the subject, and my reply that it would afford me great pleasure to give all his communications the most prompt consideration.

Previous to this interview, I had received from our consul at Tampico a full statement of the alleged outrage complained of by Captain Jackson, of the United States' schooner Jefferson. I cannot well conceive of a more insulting and humiliating indignity offered to the flag of a friendly power, than that manifested in the seizure and imprisonment of Lieut. Osborn and boat's crew, when that officer landed under orders to communicate with the American consul. The paper marked A, contains all the facts in reference to the improper conduct of the commandant general at Tampico; and that marked B, the correspondence between Mr. Monasterio and myself; in which it will be seen this Government disavows the illegal and offensive acts of that officer, and has removed him from office, with an assurance that his conduct shall be investigated by a court-martial, and further punishment inflicted on the offender, if found guilty.

These concessions, in that spirit of friendship and forbearance which the United States have always shown with no other disposition than to cultivate the most amicable relations with this country, I have been induced to receive as a satisfaction for the injury complained of in my note addressed to Mr. Monasterio on the 16th ultimo. As Captain Jackson did not, nor ask permission to, enter the port of Tampico with the vessel under his command, I purposely avoided opening the question of the right of this Government to inhibit, under existing circumstances, the public armed vessels of the United States to enter their ports and harbors.

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Hon. J. FORSYTH,  
*Secretary of State, Washington City.*

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No. 10.

*Commodore Dallas to Mr. Robertson.*

UNITED STATES FRIGATE CONSTELLATION,  
*Pensacola Bay, April 26, 1836.*

SIR: Captain Jackson, commanding the United States revenue cutter Jefferson, acting with the squadron under my command, visits Tampico and the coast of Mexico, for the purpose of rendering, if necessary, every assistance in his power to our commerce.

Any information you may give him conducive to that object will be acceptable, and oblige

Your obedient servant,

A. J. DALLAS.

To GEORGE R. ROBERTSON, Esq.

*U. S. Consul, Tampico.*

No. 11.

*Mr. Robertson to General Gomez.*

AMERICAN CONSULATE,

*Tampico, May 3, 1836.*

SIR: In presenting you this morning the lieutenant of the United States cutter schooner Jefferson, which arrived off the bar this morning, the subject of the right of her coming over the bar was discussed, in which you observed ~~that~~ she could not be allowed to come in, unless she wanted supplies or was in distress.

The object of this communication is, to know from you, that in case the said vessel should choose to make the attempt to cross the bar, whether any obstructions would be made on your part?

An early answer to this communication will confer a favor on

Your very obedient servant,

G. R. ROBERTSON.

To Don GREGORIO GOMEZ,

*Military Commandant.*

No. 12.

*General Gomez to Mr. Robertson.*

SANTA ANNA DE TAMAULIPAS,

*3 de Mayo de 1836.*

Contesto la nota de V. de 3 del corriente para manifestarle lo que verbalmente le insinué al presentarme de la goleta de guerra Jefferson, á saber que no permitire la entrada de dicho buque de guerra como Tampico el de ninguna otra nacion sinque una necesidad urgente exijirse alguna reparacion. Si como V. mi insinua en su precitada nota cometiese el atentado de verificarlo á la fuerza mi sobran recursos para sostener el decoro de la nacion que con tal hecho créeria ultrajado pareciendome muy extraño se me haya semejante indicacion. Digelo á V. en debida contestacion á su oficio de esta fecha que provoca esta resolucion.

Dios y libertad.

GREGORIO GOMEZ.

Don JORGE R. ROBERTSON,

*Sr. Consul de los Estados Unidos del Norte America en este puerto.*

No. 13.

*General Gomez to Mr. Robertson.*

[TRANSLATION.]

SANTA ANNA DE TAMAULIPAS,

May 3, 1836.

I reply to your note of the 3d instant, in order to inform you, as I verbally communicated to the lieutenant of the armed schooner Jefferson, that I would not allow the said vessel of war, nor any other of any nation, to enter, unless in case of urgent need of repairs; if you should, as you hint in your aforesaid note, endeavor to enter, I have the means of sustaining the honor of the nation, which would be outraged by such a proceeding. It appears to me very strange, that you should make such a declaration. This I say in reply to your note of this day, which has induced my resolution.

God and liberty.

GREGORIO GOMEZ.

To GEORGE R. ROBERTSON, Esq.,

*Consul of the United States of North America in this port.*

No. 14.

*Mr. Robertson to General Gomez.*

AMERICAN CONSULATE,

*Tampico, May 4, 1836.*

SIR: I have the honor to acknowledge the receipt of your official note of yesterday, and observe by its contents that a very great mistake was made by the translator of my letter, from English to Spanish, of the word "atentado." It was never intended to be used by me, and, as a proof of which, I send you a copy of my note in English.

With respect to the subject of my communication of yesterday, I beg to inform you, that an American man-of-war has been sent for, at the request of the American merchants, and one that could cross the bar: and the fact of your preventing her from entering the river, I cannot but view as an act in hostility to the present friendship and good understanding which exists between the two countries.

I have the honor to be, &amp;c.

G. R. ROBERTSON.

To Gen. GREGORIO GOMEZ, &amp;c.

No. 15.

*Mr. Robertson to Mr. Ellis.*

CONSULATE OF THE UNITED STATES OF AMERICA,

*Tampico, May 6, 1836.*

SIR: I beg to inform you that, on the 3d instant, the United States schooner cutter Jefferson, Captain Jackson, anchored off this port direct from Pensacola, having been sent here by order of Commodore Dallas.

When the vessel first appeared off, a signal was made that she was of a suspicious character, which appeared to create some alarm. A short time after, the first lieutenant of the cutter came up and presented his letters to me, not, however, without an officer at his side to present him to the military chief, Don Gregorio Gomez. At the time of presenting the lieutenant, the commandant received a note from the bar, in which he observed that the lieutenant had said that the schooner was coming into the river. I observed that Captain Jackson had not, in his note to me, expressed any such wish, thinking it would be quite unnecessary to ask permission for a friendly flag to enter the river. He replied that he would not permit her to come in ; after which, I addressed him a note. Copies of our correspondence are herewith enclosed.

It appears, that, after I had presented the lieutenant as an American officer, my assertion was not believed, for they not only doubled their guards, but sent about fifty men to the entrance of the river ; which has created double the hostile feeling against Americans that previously existed, the first cause of which I attribute to the present war in Texas. I beg to assure you that this vessel has been treated more like an enemy than a friend. I beg that this subject may be presented to this Government without delay, and to know if United States vessels of war shall be debarred from coming into port. I have frequently, at the request of the American merchants in this place, written to Pensacola for small vessels of war that could cross the bar in order to give better protection to the American commerce in case of need. This vessel has been sent for that object ; but it seems that the military commandant has taken it as an insult, and has treated the subject accordingly.

As this country has been so often the scene of civil warfare, it is reasonable to suppose that it is not in their power at all times to give that protection to foreign commerce which is required : so that, in a case of that kind, if vessels of war are debarred from coming in, we are naturally left without any protection whatever.

I enclose you a copy of a communication received from Lieutenant Osborn, of the schooner Jefferson, who came on shore yesterday, by which you will perceive that he and his boat's crew were grossly insulted, by being imprisoned, and myself treated in a manner, as a public agent, that no Government ought to allow. I have resided in this country as American consul for twelve years past, and this is the first time I have ever had any dispute with the authorities of the place, and I attribute the whole to the existing warfare now raging in Texas.

I have the honor to be, sir,

Your very obedient, humble servant,

GEO. R. ROBERTSON.

To P. ELLIS, Esq.,  
*Chargé d'Affaires, Mexico.*

No. 16.

*Lieutenant Osborn to Mr. Robertson.*

TAMPICO, May 5, 1836.

SIR : I beg to inform you, that I left the United States schooner Jefferson this morning, by orders of Captain Jackson, to communicate with

you ; that, on our arrival in the river, I was put in custody of an officer, and sent to the town. On our arrival, I was taken to a house in front of the river, where I had been but a short time before your arrival. When in the act of speaking to you, I understood the officer, whom I was with, to say that you could not speak with me. That I was marched to the house of the military commandant, and there examined ; and afterwards was told that I could go and see my consul. My boat's crew informed me, that, during my absence, they were put in prison, and there detained for a length of time.

Very respectfully,

Your obedient servant,

THOS. OSBORN,

3d Lieut. U. S. cutter *Jefferson*.

To GEORGE R. ROBERTSON,  
U. S. Consul, *Tampico*.

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No. 17.

*Mr. Robertson to General Gomez.*

AMERICAN CONSULATE,

*Tampico, May 5, 1836.*

SIR: The object of the present communication is to require from you immediate satisfaction for the very gross insult offered to the American flag, and to myself, as consul of the United States.

On the arrival of the boat belonging to the United States schooner *Jefferson*, the lieutenant was taken prisoner, and myself not allowed to speak to him ; the boat's crew were put in prison during the pleasure of the officer who put them there.

To avoid further dispute respecting this vessel, I request an answer as soon as possible.

Your very obedient servant,

GEORGE R. ROBERTSON.

To Gen. GREGORIO GOMEZ,  
*Commanding this Department.*

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No. 18.

*General Gomez to Mr. Robertson.*

SANTA ANNA DE TAMAULIPAS,

*5 de Mayo de 1836.*

Mi ayudante de campo Don Alejandro Vaulac, por orden mia, ha dado á V. satisfaccion del que reclama como insulto y que solo fué una precaucion del oficial de la barra. En el acto se dieron las ordenes convenientes para que el oficial y tripulacion pudiesen francamente comunicarse en esta plaza como lo hizo á V. entender mi referido ayudante, pareciendome por demas este descomedido reclamo oficial cuando ya se satisfizo á V. verbalmente, ocupando el tiempo, y dando mayen á contestaciones desagradables, que espero procure V. evitar sino es en caso que lo cesija la necesidad, pues



según advierto se buscan solo por V. motivos de discordia y desavenencia á que provocan sus comunicaciones, y que al fin presaran contra V. mismo pues me hayo en el caso de sostener el decoro de la nacion á que represento, pues tiene V. franca puerta para ocurrir al Gobierno en caso que crea se le falte en algun modo.

Digolo á V. en contestacion á su ultima nota relativa á este suceso de este momento.

Dios y libertad.

GREGORIO GOMEZ.

Sôr CONSUL

*de los Estados Unidos de America en este puerto.*

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No. 19.

*General Gomez to Mr. Robertson.*

[TRANSLATION.]

SANTA ANNA DE TAMAULIPAS, May 5, 1836.

My aid-de-camp, Mr. Alexander Vaulac, by my order, has given you satisfaction for what you demand reclamation as an insult, but which was only a precaution on the part of the officer of the bar. In the act, suitable orders are given by which the officer and crew may freely communicate with this place, as my aforesaid aid has given you to understand; this haughty official call appearing to me, after I had given you verbal satisfaction, superabundant, wasting time, and giving scope to disagreeable disputes, which I hope you will now shun, as the necessity for them is at an end, since I perceive they were sought by you only as motives for discord and disagreement by which to provoke these communications, and which ultimately will weigh against yourself; inasmuch as I find myself in a situation to sustain the dignity of the nation which I represent, whilst you have an open door through which to run to your Government in case you believe yourself at fault in any particular.

This I say to you in reply to your last note on this subject.

God and liberty!

GREGORIO GOMEZ.

*To the CONSUL of the United States for this port.*

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No. 20.

*Mr. Robertson to General Gomez.*

AMERICAN CONSULATE,

*Tampico, May 5, 1836.*

SIR: When our correspondence commenced on the subject of the United States schooner of war Jefferson appearing off this port, I did not anticipate, for a moment, that any word or expression would be used that could possibly give offence on either side.

I was entirely unaware that the royal order of the 13th of June, 1771,

was in force in this port, particularly as I have myself seen both British and American vessels of war in this river without the slightest intimation from any of the authorities that they were contravening the laws of the land. In regard to the 10th article of the treaty, to which you allude, I have perused it with attention, and am unable to perceive that it has any bearing on the present question.

The refusal to permit a national vessel of the United States into this port appeared to me so extraordinary, that I thought it necessary to ask from you a declaration in writing, lest I might, in conversation, have misconstrued your meaning. This, and this only, produced my note of the 3d instant, and to this it was confined. You will find, by a reperusal, that I by no means insisted on the entrance of the vessel, as you state in your communication of yesterday's date, nor even did I ask permission.

As respects the indecorous language to which you allude, I am unconscious of having used any, and it remains for you, sir, to point it out. I most willingly disclaim any intention of the kind, having, in all my intercourse with the authorities of this country, treated them with unvaried respect.

It certainly does appear that, when an American man-of-war is off this port, she is treated more like an enemy than a friend. The greatest anxiety was exhibited at the bar, a short time since, when the United States ship St. Louis arrived, but much more so when the schooner Jefferson appeared off. I cannot conceive it as treating the American flag with proper respect, that when an officer comes on shore he is compelled to be escorted to the town by another; that, of itself, implies a suspicion that the vessel is not of the character she is represented.

In reply to your assertion that you regard my representations as a national pretext for a rupture of amicable relations between our respective countries, I have only to disclaim it as totally unfounded and unwarranted by the facts of the case. My Government, sir, uses no pretexts for the attainment of any purpose; but I shall make no further observations on this part of your communication; it will be submitted to higher powers than either you or I. I have only to add, that I am perfectly willing to take upon myself all the responsibility that can justly fall to my share in this transaction.

G. R. ROBERTSON.

To Gen. GREGORIO GOMEZ.

No. 21.

*Mr. Monasterio to Mr. Ellis.*

PALACIO DEL GOBIERNO NACIONAL,

*Mejico, á 14 de Junio de 1836.*

El infrascrito, oficial mayor, encargado del despacho de la Secretaría de Estado y de Relaciones Exteriores, tiene el honor de informar al Sr. encargado de negocios de los Estados Unidos, que el día 1º del corriente, se presentó y fondeó en el puerto de Tampico la goleta de guerra Americana Jefferson, á la cual mando notificar el comandante principal de aquel departamento, que hallandose cerrado aquel puerto para los buques de todas las naciones, le estaba prohibida su franca comunicacion: el buque permaneció no obstante frente á la barra, hasta el día 4, en que se hiró á la vela despues de haber hablado con la goleta de guerra Americana Grampus, de

18 cañones, que fondió frente á la barra: al dia siguiente llegó tambien otra corbeta Americana, y ambos permanecen anclados allí.

El comandante de la goleta Grampus dirigió una nota al principal del puerto, informandole de que, por orden del gefe de la division del crusero de las Antillas, habia venido á entrar en contestaciones con el acerca del insulto que se habia hecho al pabellon Americana, en razon de que queriendo la Jefferson comunicarse con el consul de su nacion, no se le permitió la entrada, y cuando su comandante resolvió á mandar á dentro una de sus embarcaciones al mando de un oficial de marina al llegar á tierra fue este arrestado con la gente que la tripulaba.

El comandante del Departamento de Tamaulipas, al participar este al Ministerio de la Guerra, protestar, ser exagerada la relacion que hace el de la Grampus sobre el mal trato inferido al oficial Americano; y dice, cómo en afecto es asi, que el oficial que mandaba el punto fortificado de la barra, pudo en cumplimiento de su deber, y conforme á las leyes del pais, recibir y detener, (no por via de prision, sino como una precaucion) al dicho oficial y tripulacion, hasta que fuese presentado á la autoridad competente, sin permitir la comunicacion libre antes de practicar este requisito; y dice tambien, que al momento que le fue presentado el oficial, lo que se verifico con decoro y sin ningun maltrato, dió permiso que era necesario para la comunicacion: concurriendo ademas la circunstancia de haberse presentado la Jefferson con bandera que no es la propia de los buques de guerra Americana, y que hizo dar al punto al consul de los Estados Unidos las explicaciones mas sinceras, de un caso que atendidas las circunstancias, no podia tomarse en ningun tiempo como ultraje fecho al pabellon de su nacion.

El Supremo Gobierno Mejicano no puede menos de observar con sorpresa, que habiendo un agente acreditado en Mejico por parte de los Estados Unidos se proceda por buques de guerra á pedir satisfaccion de un hecho, que segun los antecedentes no ha sido otra cosa que el cumplimiento de las leyes Mejicanas; y espera que el Sr. Powhatan Ellis dara sus ordenes para que se retiren los mencionados buques: bajo la protesta formal, deque el Gobierno está pronto á entrar en las explicaciones, y dar las satisfacciones, que sean necesarios, sentado el caso, deque las autoridades hayan podido excederse, en atencion á las relaciones amistosas existentes entre las dos naciones, y las cuales es de su deber, á si como del deseo, el proteger y mantener, y hacer castigar á cualquier oficial Mejicano que resulte culpable.

El infrascrito se vale de esta ocasion para reiterar al Sr. Powhatan Ellis encargado de negocios de los Estados Unidos de America, las seguridades de su alta consideracion y aprecio.

JOSE MARIA ORTIZ MONASTERIO.

Al Sr. POWHATAN ELLIS,

*Encargado de Negocios de los Estados Unidos de America.*

No. 22.

*Mr. Monasterio to Mr. Ellis.*

[TRANSLATION.]

PALACE OF THE NATIONAL GOVERNMENT,

*Mexico, June 14, 1836.*

The undersigned, chief clerk, charged with the despatch of the Department of State and of Foreign Relations, has the honor to inform the

chargé d'affaires of the United States of America, that, on the 1st instant the American schooner of war Jefferson presented herself, and came to in the port of Tampico; on which, notice was given her commander, by the head of that department, that that port, being closed against the vessels of all nations, he was prohibited free communication. The schooner continued, notwithstanding, in front of the bar until the 4th, when she made sail, after having spoken with the American sloop of war Grampus, of eighteen guns, which came to in front of the bar. On the following day there arrived also another American corvette, and both remain anchored there.

The commander of the schooner Grampus directed a note to the principal of the port, informing him that, by order of the chief of the division on the West India station, he had come to enter into a correspondence with him relative to the insult which he had inflicted on the American flag, inasmuch as the Jefferson, when seeking communication with the consul of her country, was not permitted to enter; and when her captain resolved to communicate with one of his boats, under the command of a naval officer, on reaching the shore, was seized, together with the crew who manned it. The commandant of the department of Tamaulipas, in announcing this information to the Secretary of War, protests that the relation is exaggerated, which is made by the captain of the Grampus, upon the inferred maltreatment of the American officer: and says, as in truth is the case, that the officer who commanded the fortified post on the bar, whilst in the discharge of his duty, and conformably to the laws of the country, received and detained (not to be sent to prison, but as a precaution) the said officer and his crew, until he could be presented to the proper authorities without permitting free communication, before complying with this requisite; and he further says, that, at the moment when the officer was presented to him, he treated him with decorum, and without any harshness; and gave him permission to make the necessary communication: confirming, moreover, the circumstance of the Jefferson having presented herself with colors which do not belong to American ships of war; and that, having made to the consul of the United States the most sincere explanations for an accident which accompanied these circumstances, he could not take it as an outrage done to the flag of his country.

The Supreme Mexican Government cannot but observe with surprise that having an agent accredited in Mexico, on the part of the United States, armed vessels should come to demand satisfaction for an action which, according to the foregoing, has been nothing more than a fulfilment of the Mexican laws. And it hopes that Mr. P. Ellis will give his orders that the said vessels shall retire, under the formal assurance that this Government is ready to enter into explanations, and give such satisfaction as may be necessary, admitting that the authorities might have exceeded their powers in consideration of the amicable relations existing between the two nations, and which it is its duty, as it is its desire, to protect and maintain, and to bring to punishment whatever Mexican officer may prove to be culpable. The undersigned avails himself of this occasion to reiterate to Mr. Powhatan Ellis, chargé d'affaires of the United States of America, the assurances of his high consideration and approval.

JOSE MARIA ORTIZ MONASTERIO.

To Mr. POWHATAN ELLIS,

*Chargé d'Affaires of the U. States of America.*

No. 23.

*Mr. Ellis to Mr. Monasterio.*LEGATION OF THE UNITED STATES OF AMERICA,  
*Mexico, June 16, 1836.*

The undersigned, chargé d'affaires of the United States of America, has the honor to acknowledge the receipt of your excellency's note of the 14th instant, advising him of the appearance of an American squadron off the bar of Tampico, to demand an explanation of the authorities of that place, for an insult offered to the American flag, in the seizure of an officer and boat's crew of the United States' cutter Jefferson, on their landing to communicate with the American consul, and requesting the undersigned to order said squadron to retire from its present position.

To comply with this request would involve a high responsibility, inconsistent with the duties of the representative of the United States, unless he can accompany his orders to that effect with an assurance that a previous satisfactory explanation has taken place; and this is the more necessary, since he is not officially advised by his Government of the precise object of the appearance of the American squadron off the harbor of Santa Anna de Tamaulipas.

The assurance given in your note, "that this Government is ready to enter into explanations, and give such satisfaction as may be necessary, admitting that the authorities might have exceeded their powers, in consideration of the amicable relations existing between the two nations, which it is its duty, as it is its desire, to protect and maintain, and to bring to punishment whatever Mexican officer may prove to be culpable," is received by the undersigned as an evidence of frankness on the part of the Supreme Mexican Government, indicating its friendly disposition towards the United States of America. In the same spirit of frankness and cordiality, I have the honor to enclose, herewith, for your consideration, the original papers, marked Nos. 1, 2, 3, 4, and 5, forwarded to this legation from the American consul at Tampico, detailing the nature and character of the outrage committed on the American flag. The seizure and imprisonment of Lieut. Osborn, and his boat's crew, on their landing; the refusal of the Mexican authorities to extend to him that courtesy due to an officer of a neutral power, after his character was known; and the improper language used by the commandant general to the American consul, in his correspondence with that officer, are all circumstances manifesting an unfriendly spirit towards the United States, which, I trust, will not be countenanced by this Government.

The suggestion made by the commandant general, that the Jefferson presented herself under colors which do not belong to American ships of war, I am inclined to think cannot be correct, as it is contrary to the uniform practice of the public armed vessels of the United States, when entering the ports of a friendly power.

Entertaining the same opinion with your excellency, that the authorities in Tampico have exceeded their just and legal powers, I trust this unpleasant difficulty may be closed, by the Mexican Government tendering to that of the United States an apology for the violation of its unquestioned rights, in the outrage perpetrated on Lieutenant Osborn and boat's crew, and in the treatment of the American consul at Tampico; and that the Supreme Mexican Government cause the author of these arbitrary and indefensible acts to be punished.

After taking copies of the enclosed documents, have the kindness to return the originals to this office.

The undersigned avails himself of the present occasion to repeat to his excellency Don Jose Maria Ortiz Monasterio, the acting Minister of Foreign Affairs, the assurance of his distinguished consideration and respect.

POWHATAN ELLIS.

To His Excellency,  
the ACTING MINISTER OF FOREIGN AFFAIRS.

No. 24.

*Mr. Monasterio to Mr. Ellis.*

PALACIO DEL GOBIERNO NACIONAL,  
*Mejico, 21 de Junio de 1836.*

El infrascrito, oficial mayor 1º de la Secretaría de Relaciones, encargado de su despacho, ha tenido el honor de recibir la nota del honorable Sór Powhatan Ellis, fecha 16 del actual, relativa á las contestaciones habidas entre el comandante militar de Tampico y el consul de los Estados Unidos en aquella ciudad, con respecto á la entrada de la goleta Americana Jefferson. S. E. el Presidente interino, á quien el infrascrito ha dado cuenta con dicha nota, y los documentos que incluye, ve con sentimiento que la interpretacion que el insinuado comandante dió á algunas espresiones del consul referido, le hiciesen contestarle de un modo que desdice á las francas y amistosas relaciones de ambos paises, hasta el caso de créerse, que se hacia un ultraje á la bandera de los Estados Unidos de America. Sin duda de que no fue esta la interpretacion de aquel oficial, que conóce bien los deberes en que lo constituye su empleo, y la responsabilidad en que incurriaria, si con voluntad determinada, dejase de guardar las debidas consideraciones á toda potencia amiga de la Mejicana; pero esto no obstante, el Supremo Gobierno, que habia relevado ya al General Don Gregorio Gomez de la comandancia militar de Santa Anna de Tamaulipas, sustituyendole con un gefe de quien se lisongea sabrá conservar la mejor armonia con los agentes y subditos de las naciones extranjeras, para mas aclarar los hechos relativos á la goleta Jefferson, ha mandado instruir una averiguacion sumaria, que poniendo en claro la conducta del Sór Gomez, se le aplique el castigo que meresca, si resulta culpado, lo mismo que á todos los que hayan tenido intervencion en ese asunto.

Esta providencia del Gobierno del infrascrito es la mejor garantia del deseo que le anima de consolidar sus relaciones con los Estados Unidos de America; y no duda que servira de la mas amplia satisfaccion por el suceso desagradable de que se trata; asegurando, como asegura al Sr. P. Ellis, que muy lejos de que el comandante militar de Tampico obrase segun ordenes ó instrucciones superiores, sus procedimientos han merecido la desaprobacion de S. E. el Presidente, pues que debio ceñirse á no consentir la entrada á aquel puerto de todo buque de guerra de cualquiera nacion, pero consiliando este paso de manera que ni remotamente su pudiese entender como un ultraje al pabellon que portasen.

Por todo lo espuesto, el infrascrito se lisongea que el honorable P. Ellis no tendrá ya embaraso en dar sus ordenes para el retiro de la escuadrilla

Americana que se halla al frente de Tampico, segun le indicó el que suscribe en su nota de 14 del actual; y al contestarla de su señoría arriba citada, devolviendole los documentos que cubria, tiene la satisfaccion de reproducirle las protestas de su muy distinguida consideracion y aprecio.

JOSE MARIA ORTIZ MONASTERIO.

Al Honorable Sr. POWHATAN ELLIS,

*Encargado de Negocios de los Estados Unidos de America.*

No. 25.

*Mr. Monasterio to Mr. Ellis.*

[TRANSLATION.]

PALACE OF THE NATIONAL GOVERNMENT,  
*Mexico, June 21, 1836.*

The undersigned, chief clerk in the Department of Relations, charged with its despatch, has had the honor to receive the note of the Hon. Powhatan Ellis, dated the 16th instant, relative to the dispute which has arisen between the military commandant of Tampico and the consul of the United States for that city, in relation to the entrance of the American cutter Jefferson. His excellency the President *ad interim*, to whom the undersigned has given an account of the said note and the documents which it enclosed is of opinion that the interpretation which the commandant alluded to gave to certain expressions of the said consul, caused him to reply in such a manner that he departed from the frank and amicable relations of both countries, until the case became so aggravated that an insult was believed to have been committed on the flag of the United States of America. Doubtless, such was not the intention of that officer, who knows well the duties appertaining to his employment, and the responsibility which he would incur if he should wilfully omit to protect the just claims to consideration of every power friendly to the Mexican; but, notwithstanding this, the Supreme Government which has supplanted Gen. Don Gregorio Gomez in the military commandancy of Santa Anna de Tamaulipas, by substituting in his stead a chief whom it flatters itself will know how to preserve greater harmony with the agents and subjects of foreign nations, in order to render more clear the acts relative to the cutter Jefferson, has ordered a summary investigation to be instituted, which, by putting in its true light the conduct of Mr. Gomez, will apply to him the punishment he deserves, if he should prove culpable, as well as to all others who may have taken any part in the affair treated upon.

This provision of the Government of the undersigned is the best guaranty of the desire which animates it to strengthen its relations with the United States of America; and it does not doubt that it will prove the most ample satisfaction for the disagreeable occurrence under consideration; assuring Mr. P. Ellis, as it does assure him, that so far from the military commandant of Tampico pursuing orders or superior instructions, his proceedings have merited the disapprobation of his excellency the President, inasmuch as he ought on no account to have permitted the entrance into that port of any vessel of war, of whatever nation; yet he should so have

conciliated this step that it could not, in the most remote degree, be understood as an insult offered to the flag that might be carried.

In consideration of all this, the undersigned flatters himself that the Hon. Powhatan Ellis will have no hesitation now in giving his orders for the withdrawal of the squadron at present before Tampico, agreeably to what was indicated in his note of the 14th instant ; and replying to the note of his excellency above cited, returning the documents which it enclosed, he has the satisfaction to renew to him the assurance of his very distinguished consideration and esteem.

**JOSE MARIA ORTIZ MONASTERIO.**

To the Hon. POWHATAN ELLIS,  
*Chargé d'Affaires of the U. States of America.*

No. 26.

*Mr. Ellis to Mr. Monasterio.*

LEGATION OF THE UNITED STATES OF AMERICA,  
*Mexico, June 25, 1836.*

The undersigned, chargé d'affaires of the United States of America, has had the honor to receive the note of his excellency, the acting Minister of Foreign Affairs, under date of the 21st instant.

In consideration of the frank disavowal of the acts of the military commandant of Tampico, made by Mr. Monasterio, in behalf of the Supreme Mexican Government, and the assurance given that that officer has already been removed from office, and the determination expressed to institute a court of inquiry, with a view to the summary investigation of his conduct, and to his punishment, should he prove guilty ; as well as that of all others who may have aided or abetted in the outrage on the American flag, and the insult to the American consul before complained of, the undersigned is willing to acknowledge the sufficiency of this explanation, and, on the faith of a due execution of the promise above quoted, to order a cessation of operations by the American squadron now before Tampico, so far as a reclamation for the said outrage and insult is demanded.

The undersigned begs Mr. Monasterio to believe in his renewed assurances of consideration and respect.

**POWHATAN ELLIS.**

To His Excellency,  
THE ACTING MINISTER OF FOREIGN AFFAIRS.

No. 27.

*Mr. Ellis to Mr. Robertson.*

LEGATION OF THE UNITED STATES OF AMERICA,  
*Mexico, June 29, 1836.*

SIR: The unpleasant disagreement that occurred at Tampico, early in May last, between the Mexican authorities and the American consul of that port, has been amicably adjusted. This Government has made an ap o



o that of the United States, for the insult offered to its flag in the seizure and imprisonment of Lieutenant Osborn and boat's crew, when they landed at Tampico; and for the rude and insolent language used by the commandant general to the American consul, in his correspondence with that officer on the subject of the right of the United States schooner Jefferson to enter the port of Santa Anna de Tamaulipas. After one or two interviews, the correspondence herewith enclosed took place between the acting Secretary of State and myself; and I beg you will have the kindness to furnish a copy of it to the commander of the United States squadron off the bar of Tampico; and he will be pleased to conform to the tenor of my note of the 25th instant, addressed to his excellency Jose Maria Ortiz Monasterio, the acting Minister of Foreign Affairs, unless he has positive orders to the contrary. The punishment of General Gregorio Gomez, the author of all this mischief, for his violent and indefensible acts, was insisted upon as a just preliminary to the final arrangement of this case.

I have the honor to be, sir,

With great respect,

Your obedient servant,

POWHATAN ELLIS.

To GEORGE R. ROBERTSON, Esq.,  
*United States Consul, Tampico.*

No. 28.

*Mr. Ellis to Mr. Forsyth.*

LEGATION OF THE UNITED STATES OF AMERICA,  
*Mexico, July 16, 1836.*

SIR: I have the honor to enclose, herewith, a copy of the correspondence between Mr. Butler and the Mexican Secretary of Foreign Relations, in regard to the outrage offered to William A. Slacum, Esquire, as bearer of despatches from the United States Government to this legation. My predecessor viewed the note of Mr. Monasterio, addressed to him under date of the 16th of March, 1836, as an ample apology for this palpable infraction of the law of nations; and I shall so consider it, unless I receive your instructions to the contrary.

I have the honor to be,

Your obedient servant,

POWHATAN ELLIS.

Hon. JOHN FORSYTH,  
*Secretary of State, Washington City.*

No. 29.

*Mr. Butler to Mr. Monasterio.*

LEGATION OF THE UNITED STATES OF AMERICA,  
*Mexico, March 8, 1836.*

The undersigned, chargé d'affaires of the United States of America, has the honor of enclosing to Mr. Monasterio a communication just received from Mr. William A. Slacum, an officer in our navy, and the bearer of

despatches from the Government of the United States to this legation, in which he details the outrage and indignity offered to him by certain subordinate officers of the Mexican Government; outrages perpetrated not only against himself personally, but an indignity offered to the Government of the United States.

The facts in this case are so clearly and amply narrated by Mr. Slacum in his communication to the undersigned, that the Mexican Government cannot fail to perceive the extent of the offence committed, nor can they be at a loss to determine as to the reparation due not only to Mr. Slacum personally, but to the Government of the United States, for the indignity offered to it in the person of its officers and agents.

It cannot be necessary to cite authorities from the different treatises on national law, in order to show the respect due to the character and to the service of all persons employed as bearer of despatches from a Government to its diplomatic agents, as it is presumed that the subject is familiar to Mr. Monasterio; the undersigned will, however, quote one paragraph from Vattel, the modern text-book on national law, to show the inviolability enjoyed by all persons employed by a Government as messengers with its official communications to its ministers abroad. Vattel says, that "couriers sent or received by a minister, his papers, letters and despatches, all essentially belong to the embassy, and are consequently to be held sacred; and this principle has received the universal assent of the civilized world." Hence, on all subjects to which the rule will apply, the authority is paramount and supreme. It can be no answer, then, to say that some municipal regulation exists which conflicts with the privileges granted by the universal rule of national law, and that the right of sending despatches has been, or may be, restrained or modified by a municipal regulation; because in such event, the superior power would be ruled and influenced by the subordinate—presenting a political anomaly without a parallel."

The passport received by Mr. Slacum, from the Government of the United States of America, is herewith enclosed, and shows clearly as well the character of his mission, as the objects of his journey to Mexico; and is in the usual form of such documents recognised and respected by the whole civilized world, and procuring for the bearer universally the respect, protection, and hospitality due to his character and the sacredness of the charge confided to him.

The undersigned renews to Mr. Monasterio, &c. &c.,

ANTHONY BUTLER.

To His Excellency,

JOSE MARIA ORTIZ MONASTERIO, &c.

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No. 30.

*Mr. Monasterio to Mr. Butler.*

PALACIO DEL GOBIERNO GENERAL,  
Mexico, 16 de Mayo de 1836.

Impuesto el Excelentísimo Señor Presidente interino de la nota del Señor Don Antonio Butler de 8 del corriente, y documentos que la acompañan, relativo todo á la conducta arbitraria que observaron algunos em

pleados de la administracion general de correos con el Señor William A. Slacum, portador de pliegos del Gobierno de los Estados Unidos de America para la legacion que reside en esta capital, ha ordenado al infrascrito oficial mayor 1º, encargado del despacho de la Secretaría de Relaciones, manifestar al Señor encargado de negocios de dichos Estados el desagrado con que S. E. ha visto los procedimientos de los empleados referidos y que deseoso de evitar la repeticion de sucesos de esta naturaleza, y de satisfacer debidamente á los ultrajes inferidos al Señor Slacum, ha dispuesto se haya entender á los mismos empleados la desaprovacion de su conducta, y lo que deberan observar en casos de igual naturaleza; previniendo ademas se devuelva al Señor Butler la cantidad exigida como multa al conductor de los pliegos.

El infrascrito, al cumplir con esta suprema disposicion, renueva al Señor Don Antonio Butler las seguridades de su muy distinguida consideracion y aprecio.

JOSE MARIA ORTIZ MONASTERIO.

Al Señor DON ANTONIO BUTLER,

*Encargado de Negocios de los Estados Unidos de America.*

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No. 31.

*Mr. Monasterio to Mr. Butler.*

[ TRANSLATION. ]

PALACE OF THE GENERAL GOVERNMENT,  
*Mexico, March 16, 1836.*

His excellency the President *ad interim*, being charged with the note of Mr. Anthony Butler, of the 8th instant, and the documents which accompanied it, all relative to the arbitrary conduct pursued by some employés in the administration general of the post office towards Mr. William A. Slacum, bearer of despatches from the Government of the United States of America for the legation resident in this capital, has ordered the undersigned, chief clerk, charged with the despatch of the Department of Relations, to manifest to the chargé d'affaires of the said States the displeasure with which his excellency has seen the proceedings of the employés referred to; and that, desirous to shun a repetition of events of a like nature, and to make due satisfaction for the outrageous interference with Mr. Slacum, he has directed that these employés should be made to understand his disapprobation of their conduct, and how they should act in similar cases; taking care, beforehand, that they shall return to Mr. Butler the amount levied as a fine upon the bearer of despatches.

The undersigned, in complying with this supreme disposition, renews to Mr. Anthony Butler the assurances of his very distinguished consideration and esteem.

JOSE MARIA ORTIZ MONASTERIO.

To Mr. ANTHONY BUTLER,

*Chargé d'affaires of the United States of America.*

No. 32.

*Mr. Forsyth to Mr. Ellis.*DEPARTMENT OF STATE,  
*Washington, July 20, 1836.*

SIR: The enclosed copies of letters to this department from Mr. Coleman, the acting consul of the United States at Tabasco, will inform you of the outrageous conduct of the authorities there with regard to the officers, crew, and cargo of the schooner Northampton, wrecked on the Mexican coast in that quarter, and in relation to the acting consul himself.

The accumulation of causes for complaint on the part of our citizens against the Mexican Government, the frequency of their occurrence of late, and, so far as appears from the correspondence of your predecessors, the indisposition of that Government to inquire into them, to grant satisfaction for them, or to take proper steps to prevent their recurrence, have by no means tended to strengthen the spirit of forbearance with which the President has hitherto acted towards Mexico; entertaining, as he does, a sincere sympathy for her domestic troubles, and a hearty desire to preserve and cultivate the relations of peace, friendship, and good neighborhood with her Government and people. He is satisfied, however, that further delay in the acknowledgment, if not in the redress, of the injuries complained of, cannot be acquiesced in, compatibly with the dignity, rights, and interests of the United States. He therefore directs, that in presenting to the notice of that Government the case of the Northampton, you will make a fresh appeal to its sense of honor and justice in relation to our claims generally; and, to show that the President's estimate of the grievances suffered by our citizens resorting to Mexico, *especially* since the conclusion of the treaty, is not exaggerated, your note will refer to the following cases, in which the interposition of this Government has been asked for since the 5th of April, 1832, and all of which either you or your predecessor has heretofore been instructed to bring to the notice of the Mexican Government.

On the 31st of December, 1831, an alcalde of Menotillan, in the colony of Guazcualco, instituted what is said to have been an illegal, arbitrary, and oppressive proceeding against Doctor Baldwin, a citizen of the United States, under color of a suit at law, preferred and carried on by a creature of the alcalde himself. Baldwin appeared before the alcalde to answer the charge; an altercation ensued; and the alcalde ordered him to the stocks, which Baldwin refusing to submit to, attempted to escape, and was pursued by a party of soldiers, who attended the court. In the race, Baldwin fell, received an injury in one of his legs, was captured, carried back into the presence of the alcalde, placed in the stocks, and afterwards imprisoned.

In February, 1832, the schooner Topaz, of Bangor, Maine, was employed by the Mexican Government to carry troops from Matamoras to Galveston bay. The master and mate were murdered by the soldiers on the passage, the crew imprisoned, and the vessel seized and converted to the Mexican service.

On the 21st June, 1832, the American schooner Brazoria was seized in the port of Brazoria, by John Austin, the Mexican military commandant in that quarter, and employed to make an attack upon Anahuac, then in possession of insurgents. During the attack, she was injured so as to be

made unseaworthy, and was abandoned as a total loss, for which the underwriters have received no compensation.

In the summer of 1832, the steamboat *Hidalgo* and schooner *Consolation*, belonging to Aaron Leggett, of New York, were forcibly taken possession of by Mexican officers at Tabasco, and used by them. The brig *John*, belonging to Leggett, was also detained, and money was extorted from him. The consequences resulting from these acts are represented to have been ruinous to the sufferer, and the Mexican Government is clearly bound by the treaty to indemnify him for them.

In March, 1834, Captain McKeige, of the schooner *Industry*, of Mobile, was imprisoned at Tabasco, and an exorbitant fine demanded of him without cause. The payment of the fine being made the only condition upon which he could be allowed to depart, he abandoned his vessel and her cargo to the authorities, who afterwards sold them.

In the summer of 1834, the brig *Paragon*, of New York, was causelessly fired into on her way to Vera Cruz by the Mexican public armed schooner *Tampico*. In answer to an official representation on the subject by Mr. Butler, that Government promised that the affair should be inquired into; but this department is not informed that the promise has been fulfilled.

In the beginning of May, last year, the answer of officers supposed to belong to the custom-house, who boarded the brig *Ophir*, of New York, on her arrival at Campeachy, to an inquiry of the captain as to which of the ship's papers it would be necessary to present at the custom-house, was accidentally, or intentionally, misinterpreted. In consequence of this, notwithstanding all the papers were shown to the boarding officers, the invoices only being exhibited at the custom-house, the vessel was seized and condemned.

In May, 1835, also, the schooner *Martha*, from New Orleans, was seized at Galveston bay by the Mexican armed schooner *Montezuma* for an alleged non-compliance with some of the formalities of their revenue laws. Four of the passengers of the *Martha* were put in irons under the hatches of the *Montezuma*, and otherwise treated with great barbarity, merely for an imputed intention to use their fire-arms against a guard that had been placed on board the *Martha*.

In November, 1835, the schooner *Hannah* and *Elizabeth*, of New Orleans, was stranded in attempting to enter Matagorda bay. While in this condition, she was fired into by the Mexican armed schooner *Bravo*, boarded by twenty armed soldiers under the command of two officers, who forcibly took the master, crew, and passengers from the wreck, pilaged them of most of their clothes, and chained them in the hold of the *Bravo* until their arrival at Matamoras, where they were continued in confinement; but through the urgent representations of our consul there, all but the captain were eventually released. It is not known to the department that he has yet been liberated, or that any satisfaction has been offered by the Mexican Government.

On the 17th of February last, William Hallett and Zalmon Hull, citizens of the United States, were arrested in the streets of Matamoras by a party of armed soldiers, who struck Hull in the face with a sword, and forcibly took both to the principal barrack in that city, where they were confined upon suspicion of being about to proceed to Texas. Shortly afterwards, sentinels were placed at the doors of the consul's residence, under false pretences, and all communication with the house prohibited. Armed

soldiers broke open his gate during his absence, forcibly took a mare and two mules belonging to him, entered his house with drawn swords, and searched every room in it, for the avowed object of finding the consul. Hallett and Hull have been released, but the department is not aware that any reparation has been made for the proceedings against them, or for the insult to the consul.

In February last, an attempt was made at the city of Mexico to take from Mr. W. A. Slacum, protected by a courier's passport from this department, public despatches of this Government, addressed to Mr. Butler. The attempt failed, but Mr. Slacum was fined and detained for carrying official letters on his person, authenticated by the endorsement of this department, and directed to the chargé d'affaires of the United States in Mexico.

In March last, the schooner Eclipse was detained at Tabasco, and her master and crew maltreated by the authorities.

In April last, the brig Jane, schooner Compeer, and other merchant vessels of the United States, were forcibly detained at Matamoras.

You will also notify the Mexican Government that it is expected any damage which may have been sustained by citizens of the United States, in consequence of the recent embargo at Vera Cruz, Tampico, and other Mexican ports on the gulf, will be repaired, pursuant to the stipulation in the treaty. The papers now sent, show that the military commandant of Tampico has made the embargo a pretext for interrupting or obstructing the correspondence between the commander of the United States revenue cutter Jefferson and our consul there. For these acts, proper satisfaction will likewise be expected. The outrages and indignities committed against consuls and other officers of the United States, though not more unjust nor attended with circumstances of greater hardship than those done to individual citizens, are nevertheless to be considered as greater violations of the rights of the United States, and to be represented accordingly.

Though the department is not in possession of proof of all the circumstances of the wrongs done in the above cases, as represented by the aggrieved parties, yet the complaints are such as to entitle them to be listened to, and to justify a demand on the Mexican Government that they shall be promptly and properly examined, and that suitable redress shall be afforded. You will, therefore, immediately address a strong but respectful representation to the Mexican Government on the subject of these various injuries. You will also remind it of the numerous other complaints which have been made from time to time, and which still remain unredressed. You will likewise set forth the great forbearance which the Government of the United States has practised towards Mexico, and the friendly and benevolent motives which have led to it; and you will state that the President, finding that this moderation and forbearance, so far from being appreciated by Mexico, seem only to be met by new injuries, is constrained, by a high sense of duty, to ask of the Mexican Government such reparation as these accumulated wrongs may, on examination, be found to require.

If, contrary to the President's hopes, no satisfactory answer shall be given to this just and reasonable demand within three weeks, you will inform the Mexican Government that, unless redress is afforded without unnecessary delay, your further residence in Mexico will be useless. If this state of things continue longer, you will give formal notice to the Mexican Government, that unless a satisfactory answer shall be given within a fortnight, you are instructed to ask for your passports; and, at the end of that

time, if you do not receive such answer, it is the President's direction that you demand your passports and return to the United States, bringing with you the archives of the legation.

Mr. William A. Weaver, who is sent as a special messenger with this communication, you will detain until you can frame a full report to the department, as to the state of the business of your mission, as well that under the charge of Mr. Butler as that intrusted to you. You will also send by the messenger, on his return, (if they can be prepared within a reasonable time,) copies of Mr. Butler's despatches Nos. 14, 23, 52, 53, 54, 58, and 84, the originals of which were never received; and of all his correspondence with the Mexican Government and with others, on public business, so far as the records and files in the legation will allow you to do. Mr. Butler was repeatedly instructed to supply these papers, but the instructions have not been complied with. The expense of the transcripts required will be made a separate charge in your accounts, and will be accompanied by proper vouchers. During Mr. Weaver's necessary detention, you will avail yourself of his assistance in making the copies. He has received five hundred dollars on account of his expenses to Mexico. You will furnish him with a like sum to defray his expenses on his return to Washington, for which your draft on the department will be honored.

I have the honor to be, sir,

Your obedient servant,

JOHN FORSYTH.

POWHATAN ELLIS, Esq.,

*Chargé d'Affaires of the United States, Mexico.*

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No. 33.

*Mr. Coleman to Mr. Forsyth.*

CONSULATE OF THE UNITED STATES OF AMERICA AT TABASCO,  
*San Juan Batista, May 18, 1836.*

SIR: It becomes my duty, as vice-consul, to make known to the department the loss of the schooner Northampton, burden 68 $\frac{3}{4}$  tons, belonging to New York, William M. McKeige, master. She was stranded about five leagues west of the Tabasco river, with a full assorted cargo on board for this market, the major part of which was safely landed by the officers and crew of said vessel. The loss to those interested would have been but trifling, had not the custom-house officers and military taken forcible possession of every article saved, as soon as they arrived at the wreck. The officers and crew of the schooner remonstrated against their violent and illegal proceedings, and they were immediately assaulted, and the mate was severely wounded by one of the custom-house officers; the goods were then abandoned to the said officers and soldiers, and they at once commenced plundering and secreting the most valuable articles. The officers and crew of the schooner proceeded to this city, and made a formal abandonment of the whole into my hands; and, at the same time, handed me a list of the goods actually saved from the wreck, as well as

the manifest of the entire cargo. I took the necessary steps for the interest of those concerned. On taking possession, from the custom-house officers and soldiers, of the goods, I found that more than one-half of the goods that were saved from the wreck, and left in the keeping of the custom-house officers and soldiers, had been disposed of by them, and no account given of the same. I represented the circumstance to the proper authorities, but could get no redress whatever; they wink at every outrage or depredation committed on American property by their under officers.

Since the commencement of the war in Texas, we have daily to submit to insult and injustice, not only from private citizens, but from the highest authorities; and there is no prospect of any change, except it be for worse treatment.

I have the honor to be, sir,

Your most obedient servant,

W. E. COLEMAN.

Hon. JOHN FORSYTH,

*Secretary of State, Washington.*

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No. 34.

*Extract of a letter from W. E. Coleman, Esquire, acting consul of the United States at Tabasco, Mexico, to the Secretary of State, dated June 6, 1836.*

"About two weeks since, I was summoned before an alcalde of this city, and publicly insulted and ill-treated, and narrowly escaped imprisonment, because I refused to legalize documents to effect insurance at New Orleans, that were, in my opinion, drawn up to defraud the underwriters; they made many threats, and said they would do every thing that lay in their power to injure me the first opportunity.

"A short time previous to the above, an American sea captain was unjustly punished and fined by the city authorities. There was a move by one of the council to remit the fine; but the question was asked by another, to what country the captain belonged; and, on learning that he was a North American, they replied, 'that will do; we will not let pass an opportunity to punish these people.'

"I could fill a volume with facts of the tenor of the foregoing; but conceive the above representations sufficient to satisfy you of the state of things, and of the government of this *republic*. These acts of oppression are not committed by, nor at the instance of, the common people; but by the higher orders, and those in authority."

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No. 35.

*Mr. Ellis to Mr. Forsyth.*

LEGATION OF THE UNITED STATES OF AMERICA,

*Mexico, October 11, 1836.*

SIR: I herewith transmit to you a copy of my note of the 26th ult., addressed to his excellency the acting Minister of Foreign Affairs, in compliance with your instructions of the 20th July last, and his answer of the 3d instant.



In the discharge of this delicate and highly responsible duty, I have been influenced by an anxious desire to pursue the tenor and spirit of your instructions. I have carefully abstained from saying any thing that could be viewed as improper, under all the circumstances of the case; and I sincerely hope a returning sense of justice on the part of this Government will induce it to listen favorably to the communication thus presented for its serious deliberation.

The policy of this nation has been so uniform, since the recognition of her independence, in pursuing a long series of injuries wantonly and illegally inflicted upon the commerce of every people coming within her reach, and without granting to the injured parties any satisfaction whatever, that it would seem to preclude all hope of a satisfactory adjustment of our claims. But, be assured, every possible exertion, consistent with the honor and interest of our country, shall be used to meet the views of the President of the United States on this subject. I shall endeavor, likewise, to impress upon the mind of his excellency the President *ad interim* of this republic, the propriety and justice of abandoning the policy heretofore practised towards citizens of the United States trading with Mexico; and the great advantages likely to result to both countries by effecting such a change. If, however, I should fail to attain this desirable object (as will probably be the case,) your instructions relative to that event shall be promptly obeyed.

Duplicates of my despatches Nos. 19 and 20 are enclosed.

I have the honor to be,

With great respect and regard,

Your obedient servant,

POWHATAN ELLIS.

To the Hon. JOHN FORSYTH,  
Secretary of State, Washington City.

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No. 36.

Mr. Ellis to Mr. Monasterio. O

LEGATION OF THE UNITED STATES OF AMERICA,  
Mexico, September 26, 1836.

The undersigned, chargé d'affaires of the United States of America, has the honor to represent to his excellency the acting Minister of Foreign Affairs, that the schooner Northampton, burden nearly seventy tons, of and from New York, William M. McKeige, master, stranded in the early part of the present year five leagues west of the Tabasco river, with a full and assorted cargo on board, the greater part of which was safely landed by the officers and crew of said vessel. The loss to those interested resulting from this accident would have been inconsiderable, had not the custom-house officers and military taken forcible possession of every article saved, as soon as they arrived at the wreck. Against so violent and illegal a proceeding, the officers and crew of the Northampton protested; whereupon they were immediately assaulted, and the mate severely wounded by one of the custom-house officers. After this occurrence, the goods were abandoned to the officers and soldiers aforesaid, who at once commenced plundering and secreting the most valuable articles belonging thereto. The officers

and crew of the schooner then proceeded to the city of Tabasco, made a formal abandonment of the whole into the hands of the United States consul at that place, and furnished him with a list of the goods actually saved from the wreck, as well as a manifest of the entire cargo. On the consul's taking charge of the goods which had been left in possession of the custom-house officers and soldiers, not one-half of those saved from the wreck were delivered to him, nor was any account given of the balance. These circumstances were represented to the proper authorities in Tabasco, but they have, up to this moment, refused or neglected to give any explanation or redress to the injured parties.

Such illegal, violent, and arbitrary acts on the part of the officers of the Supreme Mexican Government, affecting so seriously the persons and property of those entitled to its protection, furnish a just cause of complaint; and the frequency of their recurrence of late, the indisposition of this Government to inquire into them, to grant satisfaction for them, or to take proper steps to prevent their recurrence, can by no means tend to strengthen that spirit of forbearance with which the President of the United States has hitherto acted towards Mexico; entertaining, as he does, a sincere sympathy for her domestic troubles, and an anxious desire to cultivate the relations of peace, friendship, and good neighborhood with her Government and people.

To satisfy your excellency that the above statement is based upon facts, the undersigned will refer to the following cases, a majority of which have heretofore been brought to the notice of this Government, and all of which have occurred since the conclusion of the treaty of amity, commerce, and navigation between the two countries.

On the 31st of December, 1831, an alcalde of Menotillan, on the Guazucualco river, instituted what is said to have been an illegal, arbitrary, and oppressive proceeding against Doctor John Baldwin, a citizen of the United States, under color of a suit at law preferred and carried on against him by a creature of the alcalde himself. Baldwin appeared before the alcalde to answer the charge: an altercation ensued, and the alcalde ordered him to the stocks; which Baldwin refusing to submit to, he attempted to escape, and was pursued by a party of armed soldiers who attended the court. In the race, Baldwin fell, received an injury in one of his legs, was captured, carried back into the presence of the court, placed in the stocks, and afterwards imprisoned.

In February, 1832, the schooner Topaz, of Bangor, Maine, was employed by the Mexican Government to carry troops from Matamoras to Galveston bay. The master and mate were murdered by the soldiers on the passage, the crew imprisoned, and the vessel seized and converted to the Mexican service.

On the 21st June, 1832, the American schooner Brazoria was seized in the port of Brazoria, by John Austin, the Mexican military commandant in that quarter, and employed to make an attack upon Anahuac, then in the possession of insurgents. During the attack, she was so injured as to be rendered unseaworthy, and was subsequently abandoned as a total loss; for which the underwriters have received no compensation.

In the summer of 1832, the steamboat Hidalgo, and schooner Consolation, belonging to Mr. Leggett, were forcibly taken possession of by Mexican officers in Tabasco, and used by them for their own purposes. The brig John, belonging to the same gentleman, was also detained, and money

extorted from him. The consequences resulting from these acts are represented to have been ruinous to the sufferer ; and the Mexican Government is clearly bound, under the treaty, to indemnify him for them.

In March, 1834, Captain McKeige, of the schooner *Industry*, of *Mobile*, was imprisoned at *Tabasco*, and an exorbitant fine demanded of him without cause. The payment of this fine being made the only condition on which he could be allowed to depart, he abandoned his vessel and cargo to the authorities, who afterwards sold them.

In the summer of 1834, the brig *Paragon*, of *New York*, was causelessly fired into, on her way to *Vera Cruz*, by the Mexican armed schooner *Tampico*. In reply to an official representation on the subject by Mr. Butler, this Government promised that the affair should be inquired into ; but there is no evidence that this promise has been complied with.

In the beginning of May, last year, the answer of an officer, supposed to belong to the custom-house, who boarded the brig *Ophir*, of *New York*, on her arrival at *Campeachy*, to an inquiry of the captain as to which of the ship's papers it would be necessary to present at the custom-house, was accidentally, or intentionally, misinterpreted. In consequence of this, notwithstanding all the papers were shown to the boarding officers, the invoices only being exhibited at the custom-house, the vessel was seized and condemned.

In May, 1835, also, the schooner *Martha*, from *New Orleans*, was seized at *Galveston bay* by the Mexican armed schooner *Montezuma* for an alleged non-compliance with certain formalities of their revenue laws. Four of the passengers of the *Martha* were put in irons under the hatches of the *Montezuma*, and otherwise treated with great barbarity, because of an imputed intention to use their fire-arms against a guard that had been placed over them on board the *Martha*.

In November, 1835, the schooner *Hannah Elizabeth*, of *New Orleans*, was stranded on the bar in attempting to enter *Matagorda bay*. While in this condition, she was fired into by the Mexican armed schooner *Bravo*, boarded by twenty armed soldiers, under the command of two officers, who forcibly took the master, crew, and passengers from the wreck, pillaged them of most of their clothes, and chained them in the hold of the *Bravo* until their arrival at *Matagorda*, where they were continued in confinement. Through the urgent representations of the consul of the United States at that place, however, all but the captain were ultimately released ; and although a respectful note was addressed to your excellency in relation to this transaction, under date of the 30th of May last, the undersigned has not been able to ascertain whether that unfortunate individual (the captain of the *Hannah Elizabeth*) still remains confined in the dungeons of the *Bravo de Santiago*, or whether any satisfaction has been offered for an outrage so daring.

On the 17th of February last, William Hallett and Zalmon Hull, citizens of the United States, were arrested in the streets of *Matamoras* by a party of armed soldiers, who struck Hull in the face with a sword, and forcibly took both to the principal barrack in that city, where they were confined upon suspicion of being about to proceed to *Texas*. Sentinels were placed at the doors of the consul's residence subsequent to the arrest of Hallett and Hull, under false pretences, and all communication therewith prohibited. Armed soldiers broke open his gate during his absence, forcibly took a mare and two mules belonging to him, entered his house with drawn

swords, and searched every room in it, with the avowed object of finding the consul himself. Hallett and Hull have been released; but to the note addressed to your excellency, on the 9th instant, on this subject, no satisfactory answer has been received.

The schooner *Eclipse*, Abner Lane, master, of Mobile, arrived off Tabasco in March last, with a cargo of lumber; and, on being boarded by an officer of the customs below the city, the captain delivered his papers agreeably to the laws of Mexico; he was then ordered on shore, and there detained until the ensuing morning. At that time the officer alluded to made search of the vessel for contraband goods, and then sealed the hatches, fore-castle, and bulkheads; which being done, a guard was left on board, and the vessel despatched up the river. On her passage up, she was visited by four or five boats that reported themselves as belonging to the custom-house; but they had no ensign or other mark to distinguish them as such. Each of these boats overhauled every thing on board not under the custom-house seal, and forcibly took the ship's provisions for their own use, leaving the crew on short allowance. After the arrival of the vessel at the city of Tabasco, additional guards were placed on board. The captain was then given to understand he might land his cargo; but on the following day the guard was again increased in number, and he was not permitted to discharge his vessel with her own crew—laborers having been sent from the shore to perform that duty, contrary to the captain's expressed wish. After the vessel was discharged, another unsuccessful search for contraband goods was instituted, in the prosecution of which the cabin and furniture were much broken and otherwise injured; notwithstanding all which, an exorbitant bill of expenses was presented to Captain Lane for discharging the vessel as aforesaid, and, upon his refusing to pay the same, and making a formal abandonment of the vessel, she was seized and he imprisoned. At the last advices received, the one still remained in close confinement, and the other fast moored in the river.

In April last, the brig *Jane*, the schooner *Compeer*, and other vessels of the United States, were forcibly detained for a length of time at Matamoras.

And in May last, the consul of the United States at Tabasco was summoned before an *alcade* of that city, and required by that functionary to authenticate public documents under the consular seal of his office. Upon his refusal to comply with this extraordinary demand, he was ill-treated, and threatened with imprisonment; the *alcade* thereby constituting himself an arbiter to decide upon the propriety of the discharge of duties confided to an officer bearing the commission of a foreign power, to whom alone he is responsible for the faithful discharge of all his public obligations.

The flag of the United States has been repeatedly insulted and fired upon by the public armed vessels of this Government; her consuls, in almost every port of the republic, have been maltreated and insulted by the public authorities; her citizens, while in the pursuit of a lawful and peaceful trade, have been murdered on the high seas by a licentious and unrestrained soldiery. Others have been arrested and scourged in the streets, by the military, like common malefactors; they have been seized and imprisoned under the most frivolous pretexts; their property has been condemned and confiscated, in violation of existing treaties and the acknowledged laws of nations; and large sums of money have been exacted of them, contrary to all law. These acts of outrage and oppression, with the numerous other complaints which have been made, from time to time, and which still remain unredressed, have painfully impressed upon the mind of the President

the United States that the great moderation and forbearance which he has, on all occasions, practised towards Mexico, and the friendly and benevolent motives which have led to it, have not been properly appreciated; and he now feels himself constrained, by a high sense of duty, to ask of the Mexican Government such reparation as these accumulated wrongs may, on inquiry, be found to require.

The undersigned is also instructed to make known to your excellency, that it is expected that any damage which may have been sustained by citizens of the United States, in consequence of the recent embargo at Vera Cruz, Tampico, and other Mexican ports on the gulf, will be repaired, pursuant to the stipulations of the treaty.

The private claims, generally, of citizens of the United States, to a vast amount, arising out of flagrant violations of the laws of nations, have been made, by my predecessors, the subject of repeated and unavailing applications to this Government for adjustment. After these unexpected procrastinations in rendering justice to those who had been invited into the ports of the republic, under the most solemn guaranties of protection, it cannot be a matter of surprise that the United States should ask that their claims may be investigated, and acknowledged, if found to be correct. Every principle of international law, and of equity, requires that remuneration should be granted to the sufferers, who have been thus reduced to ruin and beggary by the unauthorized acts of men who have violated the laws and usages which regulate and control the commercial intercourse between all civilized nations. Such remuneration is due to that high sense of honor and justice which the undersigned confidently believes will ever animate the Mexican Government in maintaining those friendly relations which so happily exist between the two republics; and, permit him to add, it is due to the honor, the interests, and the rights of his own country.

Many of the cases not enumerated, as well as those now particularly referred to, marked, as they are, by the strongest evidence of cruelty and injustice, cannot be made a matter of controversy at this time. The established principles of public law, governing the rights of those interested, are too clearly defined to leave a doubt upon the questions involved in a settlement of the claims now respectfully submitted to the consideration of the Mexican Government.

The undersigned cannot conclude this note, without expressing his assured confidence that the enlightened and liberal views, and known sense of justice, of his excellency the President *ad interim* of the Supreme Mexican Government, will impel him speedily to arrange, with entire satisfaction, these alleged causes of complaint against that Government.

The undersigned, therefore, in compliance with instructions from the President of the United States, demands that full reparation be made to all persons who have sustained injury in the several cases now set forth; that all private claims of citizens of the United States on this Government be promptly and properly examined, and suitable redress afforded; and that due satisfaction be given for the numerous insults offered to the officers and flag of the United States, as hereinbefore represented.

The undersigned improves the present opportunity to renew to Mr. Monasterio the assurance of his very distinguished consideration.

POWHATAN ELLIS.

To His Excellency JOSE MARIA ORTIZ MONASTERIO,  
Acting Minister of Foreign Affairs.

No. 37.

*Mr. Monasterio to Mr. Ellis.*

(CONFIDENTIAL.)

SECRETARÍA DE RELACIONES,

*Mejico, 3 de Octubre de 1836.*

El infrascrito tiene el honor de participar al Hl. Sr. Ellis, que recibió oportunamente su nota de 26 del actual, por el Supremo Gobierno Mejicano, los diversos reclamos y asuntos que menciona; mas como para verificarlo necesita el que suscribe tener á las vista los expedientes respectivos, algunos de los cuales son de épocas atrazadas, ha mandado se reunan en el Departamento del Exterior, para dar cuenta con todo á S. E. el Presidente interino; y del resultado dara aviso con toda oportunidad al Hl. Sr. Ellis, á quien entre tanto reproduce las seguridades de su muy distinguida consideracion.

JOSE MARIA ORTIZ MONASTERIO.

No. 38.

*Mr. Monasterio to Mr. Ellis.*

[TRANSLATION.]

(CONFIDENTIAL.)

DEPARTMENT OF RELATIONS,

*Mexico, October 3, 1836.*

The undersigned has the honor to advise the Hon. Mr. Ellis that he has duly received his note of the 26th ultimo, in which he asks that the Supreme Mexican Government should take into consideration the different subjects and reclamations therein mentioned; but as, in order to do so, it is necessary for the undersigned to examine the various documents touching the cases, some of which are of old dates, he has given instructions that they should be collected in the Department of State, so that an account of the whole may be presented to his excellency the President *ad interim*; the result of which will be communicated, with all despatch, to the Hon. Mr. Ellis: to whom, in the mean time, he renews the assurances of his very distinguished consideration.

JOSE MARIA ORTIZ MONASTERIO.

No. 39.

*Mr. Ellis to Mr. Forsyth.—Extract.*

LEGATION OF THE UNITED STATES OF AMERICA,

*Mexico, October 4, 1836.*

SIR: I have the honor herewith to enclose to you the correspondence (marked A) between the acting Minister of Foreign Affairs and myself, in relation to the outrage committed on the American consul and two citizens

of the United States, at Matamoras. From the direction Mr. Monasterio was pleased to give to my note on this subject, it was impossible to conjecture, from past experience, when a satisfactory answer would be received. I have, therefore, thought it proper to embrace this case in the enumerated causes of complaint presented to the Mexican Government on the 26th ultimo.

To the Hon. JOHN FORSYTH,  
*Secretary of State, Washington City.*

No. 40. *O ✓*

*Mr. Ellis to Mr. Monasterio.*

LEGATION OF THE UNITED STATES OF AMERICA,  
*Mexico, September 9, 1836.*

The undersigned, chargé d'affaires of the United States of America, has the honor to represent to your excellency, that, on the 17th of February last, William Hallett and Zalmon Hull, (the step-son of the consul of the United States at Matamoras,) citizens of the United States, were arrested in the street, near the habitation of the consul of said States, by a party of armed soldiers, who brutally struck Hull in the face with a sword, and forcibly took them to the principal barrack in the city of Matamoras, where they were confined as prisoners. A short time after this occurrence, sentinels were placed at the doors of the residence of the consul of the United States, and all communication therewith prohibited.

Armed soldiers broke open his gate during his absence, and forcibly took out of the enclosure of his private property one mare and two mules; and afterwards entered the house with drawn swords, to the great terror of the females of his family, and searched every room in the building, with the avowed intention of finding the father of Mr. Hull.

From these facts, it is apparent the outrage committed has been attended with circumstances of injury and insult wholly inconsistent with those laws and regulations which govern the commercial intercourse between nations, and which have heretofore been the protection of consuls in all countries. Your excellency must be too well acquainted with these laws not to be aware of the irregularity of the proceedings of the local authorities at Matamoras, in the instance alluded to, and that they are in violation of the rights of a Government on terms of amity with the United Mexican States.

The undersigned will, however, remark, that when consuls resident in a foreign country are received without express conditions, they must be considered as standing on the footing established by the common consent of all nations. Custom and usage have ascertained and fixed their immunities where it has not been done by conventional law; and any infraction of them is justly considered an indignity offered to the country whose commission the consul bears.

The undersigned, therefore, in compliance with instructions, demands reparation to the injured individuals hereinbefore mentioned, and due satisfaction for the insult offered to his Government in the perpetration of

the arbitrary and, he trusts, unauthorized acts of the commandant general of the department of Tamaulipas and New Leon.

The undersigned avails himself of this occasion to present to his excellency the acting Minister of Foreign Affairs the assurance of his great respect and distinguished consideration.

POWHATAN ELLIS.

To His Excellency JOSE MARIA ORTIZ MONASTERIO,  
*Acting Minister of Foreign Affairs.*

No. 41.

*Mr. Monasterio to Mr. Ellis.*

PALACIO DEL GOBIERNO NACIONAL,  
*Méjico, 13 de Setiembre de 1836.*

El que suscribe oficial mayor 1º, encargado del despacho de la Secretaría de Relaciones, tiene el honor de avisar al honorable Sr. Powhatan Ellis, que su nota de 9 del corriente, relativa á las tropelías cometidas en Matamoras con el consul de los Estados Unidos de America, y otros dos ciudadanos de los mismos Estados, por una partida de tropa, se traslada con esta fecha á la Secretario de Guerra, para las providencias que estime conveniente dictar en el particular.

El infrascrito ofrece comunicar al Sr. Ellis la resolucion que se tome por la espresada Secretario de Guerra, y entre tanto aprovecha la ocasion para repetirle las seguridades de su muy distinguida consideracion.

JOSE MARIA ORTIZ MONASTERIO.

Al Hon. Sr. POWHATAN ELLIS,  
*Encargado de Negocios de los Estados Unidos de America.*

No. 42.

*Mr. Monasterio to Mr. Ellis.*

[TRANSLATION.]

PALACE OF THE NATIONAL GOVERNMENT,  
*Mexico, September 19, 1836.*

The undersigned, acting Minister of Foreign Affairs, has the honor to advise the Hon. Powhatan Ellis that his note of the 9th inst., relative to the outrages committed in Matamoras against the consul of the United States of America, and two other citizens of the same States, by a party of soldiers, has been this day transmitted to the Secretary of War, for such provisions as he may think fit to dictate in the case.

The undersigned engages to communicate to Mr. Ellis the resolution of the said Secretary of War, and in the mean time avails himself of the occasion to repeat to him the assurances of his very distinguished consideration.

JOSE MARIA ORTIZ MONASTERIO.

To the Hon. POWHATAN ELLIS,  
*Chargé d'Affaires of the United States of America.*



*Mr. Ellis to Mr. Forsyth.*

LEGATION OF THE UNITED STATES OF AMERICA,  
*Mexico, October 5, 1836.*

SIR: The enclosed correspondence, (marked C,) in reference to the proceedings had before the mercantile tribunal at Vera Cruz, in the case of the schooner Peter D. Vroom, wrecked near that port on the 19th of July last, will inform you of the course I deemed it necessary to pursue, with a view to protect the rights and interests of citizens of the United States, and to resist a manifest infraction of the well established principles of maritime law. What order the Supreme Mexican Government may take upon this matter, I am yet to learn; as my note under date of the 15th ultimo, representing this affair in its true light, has been transferred from the Foreign Office to the Minister of Grace and Justice; where, from the evasive policy of this Government, it may rest unnoticed as long as that referred to the Minister of War and Marine in the case of the Hannah Elizabeth.

The papers (D) show that the court of admiralty at Campeachy has violated an imperative duty under the stipulations of the treaty subsisting between the two countries—to the injury of those interested in the case of the brig Aurora, wrecked on the coast of Sisal, and libelled in that court subsequent to her disaster. This Government complained of the conduct of the American consul in this case, and I immediately wrote to him for a full statement of the proceedings. His reply states, that, on demand, the judge had refused to furnish him with a copy of the record; in consequence of which, the notes now enclosed passed between this legation and the acting Minister of Foreign Affairs.

I have the honor to be, sir,

With high respect,

Your obedient servant,

POWHATAN ELLIS.

To the Hon. JOHN FORSYTH,  
*Secretary of State, Washington City.*

No. 44.

*Mr. Ellis to Mr. Monasterio. C*

LEGATION OF THE UNITED STATES OF AMERICA,  
*Mexico, September 15, 1836.*

The undersigned, chargé d'affaires of the United States of America, has the honor to state, that the schooner Peter D. Vroom, E. F. Kelly, master, sailed from Philadelphia on the 12th of June, 1836, consigned to Crecencio Boves, Vera Cruz, and on the 19th of July next ensuing was wrecked on the coast forty miles above Vera Cruz. The captain, after taking every precaution to save the cargo of his vessel, came down to the place of his destination, and noted protest before the American consul, and appointed him agent to dispose of the cargo. This officer despatched vessels, and conveyed to Vera Cruz the whole of the said cargo saved from the wreck; and

the same was tendered to the original consignee, who refused to accept it. Said consignee subsequently made a formal abandonment before the mercantile tribunal of Vera Cruz, who thereupon appointed him agent for the underwriters to dispose of the cargo for the benefit of those concerned. To the appointment of this, or any other agent, the American consul objected, and claimed the control of the business, after the rendition of the judgment of the court giving the order of sale. Crecencio Boves, however, renounced his agency for the sale of the cargo, and Manuel de Vega was appointed in his place, with the same powers and for the same object: who proceeded, on the 30th of July, under an order of the mercantile tribunal, to sell the cargo in question, without the consul of the United States having received any official notice thereof. Against this sale the said consul protested.

From an examination of the facts in this case, your excellency will perceive that the mercantile tribunal of Vera Cruz exceeded its just authority, in withholding from the agent and consul of the United States that participation in the sale of the cargo of the Peter D. Vroom to which he was clearly entitled. It is a general duty imposed upon consuls of the United States, when vessels of the United States are stranded on the coasts of their consulates, to take proper measures for saving such vessels, their cargoes, and appurtenances, and, after deducting the charges and expenses accruing on the salvage, to deliver over the same to the owners. In the performance of this duty, in the case now under consideration, vessels were despatched to the assistance of the wreck, and that portion of the cargo not already destroyed was conveyed to Vera Cruz, and tendered, as before stated, to the consignee, Crecencio Boves; but he refused to receive it, and thereafter made a formal abandonment. In this state of the case, there being no owner or supercargo present, the master of the vessel, by a universally acknowledged principle of maritime law, became the agent for the owners and shippers, and had a right to take such steps as he might deem proper for the benefit of those interested. In the exercise of this right, conceded by the laws governing the commercial world, and guaranteed to him by the seventh article of the treaty of amity, commerce, and navigation, between the United States of America and the United Mexican States, the undersigned is at a loss to conceive how the court of admiralty in Vera Cruz could have overlooked the first pretensions of the agent of the master to control the sale, and receive the proceeds arising therefrom, under the order of the court. If there could be any doubt in regard to the propriety of the course contended for by the consul, the following decrees of the Supreme Mexican Government itself will conclusively demonstrate it to be correct. The first, under date of the 26th of August, 1831, provides, that "if a ship, galley, or other vessel, be stranded or wrecked, we order that the vessel, and all things that may be found appertaining thereto, be delivered to the person or persons to whom they belonged prior to damage." The second, under date of the 4th of October, 1835, declares: "To fulfil better the spirit and letter of 'la ley recopilada' on shipwrecks, which was ordered to be observed in a circular of the 26th of August last, his excellency the President has decreed, that the judicial authorities who may have, or take cognizance of the case, must deliver, with all formality, and with corresponding security, to the consignee or consignees, who may appear, the effects brought by the wrecked vessel; and, in case none should appear, or they should make abandonment in writing and in legal form, (to which effect they, the authorities, will take care to cite them,) the consignees, if they

should be found in the same or distant parts, using for that purpose all the means that may be in conformity with equity and justice, the judge will cause the effects to be deposited in accordance with consul or vice-consul of the nation to which the vessel belonged, if there be one; and in every case advice must be given to the Supreme Government, in order that this latter, if it be deemed convenient or necessary, may adopt such measures as exclusively belong to it. It is, however, understood, this is not to stay proceedings of sale and deposit of the product of the effects saved or damaged, and even of the vessel itself, if, after survey or information of witnesses, it should appear that they cannot be preserved without serious damage or risk of total loss." From the spirit and letter of these decrees, the undersigned is fully persuaded it was the duty of the judicial tribunals in Vera Cruz to name the consul of the United States as agent to sell the cargo, and receive the proceeds, for the benefit of all concerned. It must be recollected that Mr. Boves, the consignee, formally abandoned; that there was no owner or supercargo present; and that, in contemplation of law, the master, E. F. Kelly, was agent for the owners and shippers, and had a right to appoint, as he did, an agent to act for him until the owners, shippers, and underwriters could be heard from. How, then, could the mercantile tribunal of Vera Cruz, having the decrees above quoted before them, deprive Mr. Burrough, as consul and agent, of his right to superintend the sale, and receive the proceeds thereof, under the direction of the proper authorities? He did not except to the jurisdiction of the court; nor could he, with propriety, say any thing against the highly intelligent and respectable gentleman, Don Manuel de Vega, named as agent by that tribunal; but he had a right to protest against the deposit of the proceeds arising from the sale in the hands of a person, contrary to the principles of maritime law, and the decrees of the Supreme Mexican Government.

The undersigned, in making these suggestions on the law arising out of the facts in this case, entertains the hope that his excellency José Maria Ortiz Monasterio will see the propriety of ordering the proceeds arising from the sale of the cargo of the schooner Peter D. Vroom to be paid over, with as little delay as possible, to the consul of the United States at Vera Cruz, the legal agent entitled to the same.

The undersigned has the honor to repeat to Mr. Monasterio the assurance of his very distinguished consideration.

**POWHATAN ELLIS.**

To His Excellency JOSE MARIA ORTIZ MONASTERIO,  
*Acting Minister of Foreign Affairs.*

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No. 45.

*Mr. Monasterio to Mr. Ellis.*

PALACIO DEL GOBIERNO NACIONAL,  
*Mejico, 21 de Setiembre de 1836.*

La nota que el honorable Señor Powhatan Ellis dirigió al infrascripto, encargado del despacho de la Secretaría de Relaciones, con fecha 15 del actual, sobre lo ocurrido en la venta del cargamento de la goleta Americana "*Peter D. Vroom*," que naufragó á corta distancia del puerto de

Vera Cruz, se transcribe hoy al Ministerio de Justicia, para que como asunto de sus atribuciones, acuerde lo que convenga con S. E. el Presidente interino.

El resultado lo comunicará el que subcribe al Honorable Sr. Ellis, á quien reproduce con este motivo las seguridades de su muy distinguida consideracion.

JOSE MARIA ORTIZ MONASTERIO.

Al Hon. Señor POWHATAN ELLIS,

*Encargado de Negocios de los Estados Unidos de America.*

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No. 46.

*Mr. Monasterio to Mr. Ellis.*

[TRANSLATION.]

PALACE OF THE NATIONAL GOVERNMENT,  
*Mexico, September 21, 1836.*

The note of the Hon. Powhatan Ellis, addressed to the undersigned, acting Minister of Foreign Affairs, under date of the 15th inst., upon the subject of the occurrences in relation to the sale of the cargo of the American schooner "Peter D. Vroom," which was wrecked on the coast, some distance from the port of Vera Cruz, has been this day transferred to the Minister of Justice, as a subject coming within the province of his duties, agreeably to the instructions of his excellency the President *ad interim*.

The result of which the undersigned will communicate to the Hon. Mr. Ellis, to whom he is now prompted to renew the assurances of his very distinguished consideration,

JOSE MARIA ORTIZ MONASTERIO.

To the Hon. POWHATAN ELLIS,

*Chargé d'Affaires of the United States of America.*

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No. 47.

*Mr. Ellis to Mr. Monasterio.*

LEGATION OF THE UNITED STATES OF AMERICA,  
*Mexico, September 20, 1836.*

The undersigned, chargé d'affaires of the United States of America, has the honor to inform your excellency that he has received an answer from the American consul at Campeachy, in reply to the note addressed to him in reference to the proceedings had in the admiralty court at that place, in the case of the brig Aurora wrecked on the coast of Sisal. It appears, from his statement, that the judge of the district has, in direct contravention to the 25th article of the treaty now in full force between the two republics, refused, on demand, to give to the parties interested a copy of the judicial proceedings in the case in question, and that this prerequisite is indispensable to enable him to give a satisfactory statement of the whole transaction.

His excellency José Maria Ortiz Monasterio is too well acquainted with the importance of such a document not to admit the necessity of its production, before a definite arrangement can be made on this subject. The undersigned, therefore, trusts that, with as little delay as possible, an order may be given to the court at Campeachy to furnish to the owners, or the agents of those interested, a full and complete record of the judicial proceedings had on the wreck of the brig Aurora.

The undersigned has the honor to acknowledge the receipt of Mr. Monasterio's note of the 19th instant; and improves the present occasion to assure him of his distinguished consideration.

POWHATAN ELLIS.

To His Excellency JOSE MARIA ORTIZ MONASTERIO,  
*Acting Minister of Foreign Affairs.*

No. 48.

*Mr. Monasterio to Mr. Ellis.*

PALACIO DEL GOBIERNO NACIONAL,  
*Mejico, 27 de Setiembre de 1836.*

El infrascripto, oficial mayor 1º, encargado del despacho de la Secretaría de Relaciones, tiene el honor de participar al Hon. Sôr Powhatan Ellis, que su nota de 20 del actual, relativa al caso del bergantín *Aurora*, se ha transcrito al Ministerio de Justicia, para que, como asunto en que esta conociendo, como propio de sus atribuciones, dicté la resolución conveniente; que el que suscribe pondrá en noticia del Hon. Sôr Ellis, à quien reproduce las protestas de su muy distinguida consideracion.

JOSE MARIA ORTIZ MONASTERIO.

Al Hon. Sôr POWHATAN ELLIS,  
*Encargado de Negocios de los Estados Unidos de America.*

No. 49.

*Mr. Monasterio to Mr. Ellis.*

[TRANSLATION.]

PALACE OF THE NATIONAL GOVERNMENT,  
*Mexico, September 27, 1836.*

The undersigned, acting Minister of Foreign Affairs, has the honor to inform the Honorable Powhatan Ellis that his note of the 20th instant, relative to the case of the brig Aurora, has been transferred to the Minister of Justice, because it being a subject with which he is conversant, as one embraced within his peculiar functions, he will dictate all proper provisions; the results of which the undersigned will advise Mr. Ellis of, to whom he renews the assurances of his very distinguished consideration.

JOSE MARIA ORTIZ MONASTERIO.

To the Hon. POWHATAN ELLIS,  
*Chargé d'Affaires of the United States of America.*

No. 50.

*Mr. Ellis to Mr. Forsyth.—Extract.*

LEGATION OF THE UNITED STATES OF AMERICA,  
*Mexico, October 11, 1836.*

SIR:

As already intimated to you, I have little expectation of a satisfactory adjustment of our claims on this Government. I shall, however, pursue, to the letter, your instructions on the subject, and advise you from time to time of such progress as I may make in the matter.

I have the honor to be,

With high esteem,

Your obedient servant,

POWHATAN ELLIS.

HON. JOHN FORSYTH,  
*Secretary of State, Washington City.*

No. 51.

*Mr. Ellis to Mr. Forsyth.* 0

LEGATION OF THE UNITED STATES OF AMERICA,  
*Mexico, October 25, 1836.*

SIR: I have the honor to transmit for your information a copy of my note of the 20th instant to the acting Minister of Foreign Affairs, on the subject of my letter addressed to him on the 26th ultimo, and his answer to the same. If I receive no further communication from the Government, I shall, in the course of two or three days, inform Mr. Monasterio of my intention to demand my passports at the expiration of two weeks, should a satisfactory answer be withheld in regard to the alleged causes of complaint against the Mexican Government.

I will again suggest, that I have no hope of a satisfactory adjustment of our affairs with this Government; yet every principle of justice would seem to require at the hands of the President of the United States that this matter should be pressed to a speedy and honorable conclusion.

With great respect,

I have the honor to be,

Your obedient servant,

POWHATAN ELLIS.

HON. JOHN FORSYTH,  
*Secretary of State, Washington City.*

No. 52.

*Mr. Ellis to Mr. Monasterio.* 0

LEGATION OF THE UNITED STATES OF AMERICA,  
*Mexico, October 20, 1836.*

The undersigned, chargé d'affaires of the United States of America, asks permission to call the attention of your excellency to his note of the 26th ultimo.

In presenting so urgent a representation as he did on that occasion, of the wrongs of which his Government has such just cause to complain, the undersigned indulged the hope that a returning sense of justice on the part of the Supreme Mexican Government would have induced it to enter into a speedy arrangement of all alleged causes of complaint against it; but he has seen with regret that his anticipations, thus far, have not been realized. He now has the honor to inform your excellency, that, unless redress is afforded without unnecessary delay in the several cases heretofore brought to the notice of this Government, the longer residence of the undersigned, as the representative of the Government of the United States of America near that of Mexico, will be useless.

The undersigned avails himself of the opportunity thus presented to renew to your excellency the assurance of his undiminished personal esteem and distinguished consideration.

POWHATAN ELLIS.

To His Excellency JOSE MARIA ORTIZ MONASTERIO,  
*Acting Minister of Foreign Affairs.*

No. 53.

*Mr. Monasterio to Mr. Ellis.*

PALACIO DEL GOBIERNO NACIONAL,  
*Mejico, Octubre 21 de 1836.*

El infrascripto, oficial mayor encargado del despacho de la Secretaría de Relaciones, ha visto con sentimiento la nota que el Hon. Sr. P. Ellis, le dirigió ayer, indicando que si no recibe pronta contestacion á la de 26 del proximo pasado, considerará inutil su permanencia en Mejico, como representante de los Estados Unidos de America. El Gobierno del que suscribe no puede comprender que el retardo en la contestacion de una nota, por grave que sea su asunto, se consideré como causa bastante para dar el paso referido; mucho mas si se atiende á que la demora de la respuesta, no depende de omision del ministerio, sino de otros motivos que no han podido evitarse. Tales son en el presente caso como el infrascripto tubo ya el honor de manifestar al Hon. Sr. Ellis, la falta de antecedentes en la Secretaria de su cargo, sobre algunos de los negocios que se refieren en la citada nota del 26 del pasado; la necesidad de solicitarlos de las otras Secretarias del despacho, y aun de los gobiernos de los departamentos respectivos, y el tiempo aunque sea el muy precioso, que se requiere reunidos que sean aquellos para examinar con detencion los puntos sobre que se versan, á fin de contestarlos de la manera que exigen los intereses nacionales, y los deseos del Supremo Gobierno, de satisfacer al de los Estados Unidos, en todo aquello que le favorezca la justicia, en los reclamos que ha presentado.

Estas observaciones no pueden dejar de tener todo su peso á la consideracion del Hon. Sr. P. Ellis, y como el infrascripto lo suponía penetrado de ellas, le causa mayor sentimiento, que su señoría juzgue que el Gobierno Mejicano ha hecho poca atencion en su nota referida, puesto que indica la idea de separarse de las funciones que ejerce. El que suscribe con acuerdo de su excellencia el Presidente interino, no puede por ahora hacer otra cosa, sino reproducir al Sr. encargado de negocios de los Estados Unidos,

que luego que reuna y examine los datos todos que son necesarios, contara la nota de que se trata. Tiene ya pedidos al efecto los que le faltan. activara su envio á este Ministerio, y protesta que preferentemente se ocupará de los negocios que el Hon. Sr. Ellis ha sometido al conocimiento del Gobierno Supremo.

El infrascripto aprovecha la oportunidad de reproducir á su señoría las protestas de su muy distinguida consideracion y aprecio.

JOSE MARIA ORTIZ MONASTERIO.

Al Honorable Sr. POWHATAN ELLIS,

*Encargado de Negocios de los Estados Unidos de America.*

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No. 54.

*Mr. Monasterio to Mr. Ellis.*

[TRANSLATION.]

PALACE OF THE NATIONAL GOVERNMENT,  
*Mexico, October 21, 1836.*

The undersigned, acting Minister of Foreign Affairs, has seen with pain the note which the Hon. Powhatan Ellis addressed to him yesterday, advising that, unless he received a prompt reply to that of the 26th ultimo, he should consider useless his residence in Mexico as the representative of the United States of America. The Government of the undersigned cannot understand how a delay in the reply to any note, however grave its subject may be, could be considered a sufficient cause for taking the step referred to—much more if it is recollected that the delay in such answer does not arise from any omission on the part of the minister, but from circumstances which it is not in his power to control. These circumstances in the present instance, as the undersigned has already had the honor to inform the Hon. Mr. Ellis, owing to the neglect of his predecessors in the office at this time under his charge in some of the matters to which the note aforesaid of the 26th ultimo refers, are, the necessity of procuring documents from the offices of the other secretaries, and even from the Governments of the respective departments themselves; and the time, although it may be very precious, requisite to collect such documents, in order to examine deliberately the several points with which it is necessary to be conversant before replying to them in a manner called for by the interests of the nation, and the desire of the Supreme Government to render satisfaction to that of the United States in every case, supported by justice, among the reclamations which have been presented.

These observations cannot fail to have their due weight upon the consideration of the Hon. Powhatan Ellis; and as the undersigned had supposed he was previously impressed with them, the greater pain was caused that he should have imagined the Mexican Government had paid little attention to his note aforesaid, and that he should have manifested any intention to withdraw himself from the functions which he now exercises.

The undersigned, with the advice of his excellency the President, *ad interim*, can do nothing more at this time than re-assure the chargé d'affaires of the United States, that as soon as he can collect and examine all



the necessary data, he will reply to the note in question. He has already made requisitions to this effect for those that are wanting. He will hasten their transmission to this office; and he protests that he will occupy himself exclusively with the affairs which the Hon. Mr. Ellis has submitted to the consideration of the Supreme Government.

The undersigned avails himself of this opportunity to renew to his excellency the assurance of his very distinguished consideration and esteem.

JOSE MARIA ORTIZ MONASTERIO.

To the Hon. POWHATAN ELLIS,

*Chargé d'Affaires of the United States of America.*

No. 55. 0

*Mr. Ellis to Mr. Forsyth.*

LEGATION OF THE UNITED STATES OF AMERICA,  
*Mexico, November 10, 1836.*

Sir: I have the honor to enclose to you a copy of my note of the 4th instant, addressed to his excellency José Maria Ortiz Monasterio, acting Minister of Foreign Affairs, in compliance with your instructions of the 20th of July last. He has not answered this communication. You will see by a reference to his note of the 21st ultimo, in answer to mine of the preceding day, that he designates no time at which he will be prepared to give the necessary explanations, and under such justice as may be deemed commensurate with the injuries complained of by the United States. Under such circumstances, the policy of this Government has not been such as to inspire me with entire confidence in their speedy and satisfactory adjustment of all our difficulties, and I could not feel myself justified in waiting upon them until they might find it convenient hereafter to address me a more favorable note upon the subject. I am strongly inclined to believe that moment never will arrive, and that I may see you in Washington city before the end of January next.

I transmit a duplicate of my despatch No. 32, and have honor to be,

With the greatest respect, your most obedient servant,

POWHATAN ELLIS.

Hon. JOHN FORSYTH,

*Secretary of State, Washington City.*

No. 56.

*Mr. Ellis to Mr. Monasterio. 0*

LEGATION OF THE UNITED STATES OF AMERICA,  
*Mexico, November 4, 1836.*

The undersigned, chargé d'affaires of the United States of America, has the honor to represent to his excellency José Maria Ortiz Monasterio, acting Minister of Foreign Affairs, that he has witnessed, with the greatest

pain and anxiety, the failure on the part of this Government to give a favorable response to his notes of the 26th of September, and the 20th of October last past. In consequence of this state of things, he is instructed to make known to the Supreme Mexican Government, that unless a satisfactory answer be received within the space of two weeks from the date hereof, he is directed to demand his passports, and return to the United States.

The undersigned will take great pleasure in meeting your excellency at any time, to enter into an arrangement of the numerous causes of complaint against this Government by that of the United States of America: and he improves the present opportunity to renew to your excellency the assurance of his most distinguished consideration.

POWHATAN ELLIS.

To His Excellency JOSE MARIA ORTIZ MONASTERIO,  
*Acting Minister of Foreign Affairs.*

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No. 57.

*Mr. Ellis to Mr. Forsyth.—Extract.*

LEGATION OF THE UNITED STATES OF AMERICA,  
*Mexico, November 30, 1836.*

SIR: \* \* \* \*

I have received from the acting Minister of Foreign Affairs an answer to my note of the 26th of September last, and it is wholly unsatisfactory. Unless something favorable should occur to produce a change of determination, I shall demand my passports in three or four days, and return to the United States.

I have the honor to be,  
With the greatest respect,  
Your obedient servant,  
POWHATAN ELLIS.

HON. JOHN FORSYTH,  
*Secretary of State, Washington City.*

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No. 58.

*Mr. Ellis to Mr. Forsyth.—Extract.*

MEXICO, December 9, 1836.

SIR: \* \* \* \*

Mr. Gorostiza has arrived, and the Government paper announces that his conduct in the United States has been approved by the competent authority here.

No. 59.

*Mr. Forsyth to Mr. Ellis.*DEPARTMENT OF STATE,  
*Washington, December 10, 1836.*

SIR: Mr. Gorostiza has, upon his own responsibility, terminated his extraordinary mission to the United States. The President will not believe that the Mexican Government is under the influence of the obvious prejudices which have distorted and discolored every object seen here in the view of their functionary. The full and frank explanations of his motives and purposes, in the precautionary means taken on the frontiers, should have satisfied that Government that nothing could be further from the President's intentions than to injure Mexico in her interests or in her honor. Under this conviction, he trusts that the departure of the extraordinary mission will, in no respect, interrupt the friendly relations between the two Governments; and he instructs me to say, that whatever feelings such a step was calculated to produce, it shall not be permitted to diminish his confidence in the amicable disposition of the Mexican Government, nor to operate in his mind prejudicially to its interests. Although the President supposes that the Mexican Government will have found, in the communications heretofore made by the department to its envoy extraordinary, satisfactory grounds to justify the measure viewed so unfavorably by Mr. Gorostiza, yet his sincere and strong desire to prevent any misunderstanding on the subject induced him to determine, on the departure of that minister, to make such explanations as might prevent the Mexican Government from being misled into the adoption of the errors of their minister. Since my return to the seat of Government, the great pressure of other public business, and the condition of the President's health, have delayed until now the execution of that purpose.

So soon as the contest in Texas was found to be inevitable, it became the President's duty to consider its probable consequences to the United States, with a view to guard against the injuries it might produce to our citizens, and to the performance of the obligations of the Government to a friendly and neighboring power. The more immediate danger was, that the contending parties might, in the struggle, find it necessary or convenient to seek, for advantage or protection, refuge on the territory of the United States; and that, being pursued by their adversaries, our soil might become the battle ground for deciding the contest. Sufficient warning to both was therefore given, that this could not and would not be permitted. Subsequent events rendered any further precautionary steps in that regard unnecessary; but among the stipulations of Mexico and the United States to each other, was found one obliging each party to restrain the Indians within its dominions from all depredations upon the adjoining power. The extent in which this provision was understood by Mexico will be seen by recurring to the complaints made to this Government, that some of the Indians on our side had crossed over, without even an allegation of its having been done with any hostile design towards Mexico. Without assenting to the claims of Mexico as to the extent of the obligations of the United States under the treaty stipulation, the President was duly sensible that it required decisive means on his part to prevent the Indians within the United States from entering into the quarrel in Texas. In addition to warning advice,

given through our Indian agents, the presence of some of our troops was deemed indispensable to enforce, if necessary, the counsel given to them. The presence of this force was imperatively demanded to prevent evils which might arise from various other causes. The savage tribes prone to war, within reach of the contending parties, were numerous; and, on the Mexican side, known to be under very imperfect control. These warlike tribes, without regard to the combatants, might be tempted to fall upon the frontiers of the United States or Mexico, hoping that their depredations might be imputed to the known parties in the war. One of the combatants, in the event of defeat, or to strengthen himself against the more potent adversary, might solicit, and, it was to be feared, might obtain, the active co-operation of some of the Indian tribes, whose conduct, when once in the field, it would be impracticable to regulate according to the rules of civilized warfare, or to the obligations of their allies—to respect the territory, the persons, and property of neutrals. The distance of the scene of operations from the seat of Government compelled the Chief Magistrate to trust the discretionary power of using the troops to the commanding officer; yet, such care was taken in framing the order, given with the authority to act, that the President believed it scarcely possible that cause of just complaint could arise; yet, from extreme caution, and from an anxious desire to prevent the possibility of misconception on the part of Mexico, the steps taken were immediately made known to the minister plenipotentiary of that country, with the most explicit specification of the objects for which, and for which alone, the discretionary power to the commanding officer on the frontier was given. The President did not doubt that, on the actual occurrence of any of the evils anticipated, or on satisfactory evidence of imminent danger of them, the commanding officer of the troops on the frontier had an indisputable right, in defence of the United States, or in protecting Mexican territory, according to the stipulation of the treaty, to occupy any position on either side of the line supposed to divide the two countries, which might be necessary to enable him to perform either of those duties. Yet, he deemed it proper, from the peculiar circumstances of the contest in Texas, to limit that discretion by special instructions to move towards the Mexican side only under a state of things which should make that step justifiable in the eyes even of those who were disposed to watch every movement on our part with suspicion and jealousy.

✓ You will perceive that Mr. Gorostiza, in his conference with me, distinctly admitted our right, in the event of hostility to the United States by Mexican Indians, to invade the territory of Texas, either to prevent intended injury, or to punish actual depredation. In a note written subsequently, he seeks to avoid the force of that admission, by confounding the principle upon which it obviously rests with the right of making war for a violation of treaty engagement. You will find no difficulty in showing to the Mexican Government that it rests upon principles of the law of nations, entirely distinct from those on which war is justified—upon the immutable principles of self-defence—upon the principles which justify decisive measures of precaution to prevent irreparable evil to our own or to a neighboring people. The grossness of the error of placing it on the right of war, as also the folly of relying upon that mode of redress, you can render obvious, by supposing that hostilities were, under present circumstances on the frontier, about to begin. Our fellow-citizens, of all ages and classes, to be exposed to massacre, their property to destruction, and the whole

frontier to be laid waste by those savages Mexico was bound to control. Until these evils happen, on Mr. Gorostiza's theory, we have no right to take a position which will enable us to act with effect; and, before we do act, according to our promises under the thirty-third article of the treaty, after the frontier has been desolated, we must demand redress of Mexico—wait for it to be refused—and then make war upon Mexico. We are quietly to suffer injuries we might prevent, in the expectation of redress—redress for irreparable injuries from Mexico, who did not inflict them, but who was, from circumstances, without the power to prevent, as she would be, after they were inflicted, without the power to redress them. To make war upon Mexico for this involuntary failure to comply with her obligations, would be equivalent to an attempt to convert her misfortunes into crimes—her inability into guilt. If these injuries had been committed, and our complaints made to Mexico, what answer could be given to declarations of the Mexican Government like these: "We had not the power to prevent the evils of which you complain. Our inability to perform our promises was well known to you. It was your duty, having the means, to prevent these evils. We expected this would be done; and if, unwisely, you have suffered them to be inflicted upon you, while we regret infinitely what has occurred, we can only express our regret, and call upon you to consider that your vengeance should fall not on Mexico or her citizens, but upon the tribes who committed the cruelties on your frontiers, or upon the rebellious people (in Texas) by whom those tribes should have been restrained?" In determining upon the precautions authorized by him to avert evils that could not be repaired, to avoid the mockery of calling upon Mexico for redress for injuries it was out of her power to guard against, and the cruelty of seeking for satisfaction of weakness, which was due only from guilt, the President will not—cannot—believe that Mexico, in the present condition of her affairs, will consider her character or interests in the slightest degree injured; and you will distinctly state to that Government, that, until they have a force competent to perform the treaty stipulations near the frontier, he will be compelled to regard every indication of dissatisfaction as founded not upon the principles of national law, but on a groundless suspicion of the intentions of the United States.

I shall send, with this despatch, a copy of the President's message at the opening of Congress, from which you will be able to draw additional evidences of the just and amicable intentions of the Chief Magistrate. The President desires that you should give such explanations to the Mexican Government as these instructions will enable you to make; which, if received in the proper and friendly spirit in which they are offered, will, he trusts, remove all ground for doubts and anxieties, if any have been entertained on the subject.

It would be gratifying to the President, if this communication, which you will have to make to the Mexican Government, was limited to these explanations. Unfortunately, the conduct of its late minister extraordinary has made it necessary to touch upon even a more unpleasant topic. You will learn with astonishment that Mr. Gorostiza, while enjoying his diplomatic privilege, although after he declared his mission at an end, published, on his own authority, a pamphlet (a copy of which is herewith sent to you) containing parts of his unpublished correspondence with this department, and extracts from his letters to the Mexican Secretary of Foreign Relations, with a long introductory preface. The publication of

his correspondence with the department, without the authority of his Government, is believed to be unexampled in the history of diplomacy, and was not decorous to the Government of the United States. The extracts from his correspondence with his own Government, and his introduction to the whole, contain statements and comments defamatory of the Government and people of the United States, and obviously intended to injure the character of both, for honor and good faith, in the eyes of the world. This pamphlet, although not circulated generally among our citizens, was in the hands of editors of newspapers, who have published extracts from it; and the President has been informed that two copies of it were sent by its author, at the moment of his departure from the United States, to some, if not to all, the members of the foreign diplomatic body accredited here. This act, still more extraordinary, because it almost immediately followed the communication of the President's intention to direct that explanations, which he believed would be satisfactory, should be made to the Mexican Government, has excited but one sentiment among those to whom it is known. In directing you to make known the publication of this pamphlet to the Mexican Government, the President does not doubt the truth of the declaration made by its author, that this publication was his own personal act, for which he had no authority from his Government; nor will he permit himself to suppose for an instant that it will adopt or sanction conduct so glaringly violating all the decorum of diplomatic usage; so disrespectful to the Government and people of the United States; so unworthy the representative of a respectable Government; and so well calculated to interrupt the harmony and good will which ought to subsist between the United States and Mexico.

How far the character of the Mexican Government for decorum and justice, and an honorable desire to maintain a respectable rank among the civilized nations of the world, require a distinct manifestation of its just displeasure at such an extraordinary step, are questions that belong to itself alone to consider and decide.

In giving you this instruction to make known to the Mexican Government the conduct of its envoy, without a demand of reparation at its hands, the President is influenced, as well by the explicit disavowal of the envoy of all participation on the part of his Government in the act complained of, as by the sincere conviction, already expressed, that a step so reprehensible will not be countenanced by it. But if, contrary to all just expectation, the Mexican Government shall adopt that act, or give sanction to it, by approving of their minister's conduct, the continuance of diplomatic intercourse between the two countries can no longer be either useful or reputable to the United States. However painful may be the consequences, the honor of the American people requires the President to instruct you, as I now do, in that event, to demand your passports, and to return forthwith, bringing with you all the archives of the legation, to the United States.

I have the honor to be, sir,  
Your obedient servant,  
JOHN FORSYTH

POWHATAN ELLIS, Esq.

*Chargé d'Affaires of the United States, Mexico.*

No. 60.

*Mr. Ellis to Mr. Forsyth.* <sup>o</sup>

LEGATION OF THE UNITED STATES OF AMERICA,  
*Mexico, December 14, 1836.*

SIR: I have the honor to inform you that I demanded my passports of this Government on the 13th instant, and shall repair to Washington city without delay. To the note, embracing this demand, I have as yet received no reply. The correspondence which led to this state of things, I shall not be able to present to you previously to my return to the United States.

I am, sir,

With great respect,

Your most obedient servant,

POWHATAN ELLIS.

Hon. JOHN FORSYTH,  
*Secretary of State, Washington City.*

No. 61.

<sup>o</sup>  
*Mr. Ellis to Mr. Forsyth.—Extract.*

LEGATION OF THE UNITED STATES OF AMERICA,  
*Mexico, December 21, 1836.*

SIR:

I have not received an answer to my note of the 7th instant, demanding my passports of this Government, with a view to return to the United States.\* To-morrow I shall address a second note to the acting Minister of Foreign Affairs, demanding them within a given time; and if they are not sent to me, I shall leave this capital without them.

I am fully persuaded that nothing but a prompt, firm, and decisive course of action on the part of the Congress of the United States, will induce these people to adjust the subjects of controversy between the two Governments.

Hon. JOHN FORSYTH,  
*Secretary of State, Washington City.*

No. 62.

*Mr. Perrine to Mr. Ellis.*

CONSULATE OF THE UNITED STATES OF AMERICA,  
*Campeachy, October 4, 1836.*

SIR: I transmit to you copies of two official letters to the gefe politico of this city, to neither of which have I yet received any written reply; nor has either the American seaman been delivered, or his protection been re-

\*The note of the 7th was not sent into the Office of Foreign Relations until the 13th, in consequence of the copy of it not having been completed, and the intervention of three successive feast days, which prevented the transaction of public business.

turned to me. The gefe politico professes to be as friendly and grateful to me as any Mexican can be to an American. He has verbally told me several times that he was doing all in his power to obtain said American seaman, by writing to the commander, and by even visiting the squadron; that the officers had falsely assured him that the sailor had been sent ashore; and that he was only waiting for his arrival to return said sailor and protection to me, with an official reply to my communication. As, however, I know these people too well to believe that said sailor will be released, and as I am informed that several other American seamen are also impressed into the Mexican service to fight the Texans, I write this communication with the hope that you will obtain an order from the Mexican Government to have all such Americans set at liberty, to prohibit any further impressment of our sailors, and to punish all their guilty oppressors, past, present, and future.

I have the honor to be, very respectfully,

Your obedient servant,

HENRY PERRINE.

Hon. P. ELLIS,

*American Minister in Mexico.*

No. 63.

*Mr. Burrough to Mr. Forsyth.* ○

CONSULATE OF THE UNITED STATES OF AMERICA,  
*Vera Cruz, November 22, 1836.*

SIR: It becomes my duty to reveal to you the facts of an outrage, not less monstrous in principle than, perhaps, grave in its consequences, committed by the authorities of the Mexican Government at this place on the persons of citizens of the United States, composing a part of the naval force of the United States Government.

The United States ship Natchez, under the command of Master Commandant Mervine, and to which the subjects referred to were attached, arrived at this port on the 25th of October, and came to anchor, as usual, near the "island Sacrificios." On the following day, at an hour previously stipulated with the authorities, the customary civilities of friendly powers were interchanged. The officers of the ship now honored us with occasional visits, disposing of their boat's crew, when at the city, as circumstances rendered necessary and convenient.

It was on the 2d instant that Mr. Renshaw, passed midshipman, belonging to the said ship Natchez, arrived at the mole, and who soon after appeared at my office, bearing a note from Captain Mervine to my address. This being presented, he informed me that he should return in the course of half an hour, and take charge of any letters that I might require him to carry to the ship. Scarcely fifteen minutes had elapsed, when a gentleman called, and desired me, for "God's sake, to hasten to the mole;" that the boat's crew of the American man-of-war were attacked and being murdered by the Mexican soldiery—the guard at the gate; that several of the men were already much injured, if not actually killed. I quickly repaired to the mole, where I beheld *two* of the boat's crew of the United States ship



Natchez prostrate; and from the evidences of personal violence, (their bodies being literally covered with blood,) I supposed the vital spark extinct; and therefore proceeded to the boat lying at a short distance from them, and in which I discovered *six* other seamen belonging to the said ship. They were somewhat intoxicated, and also showed marks of a personal combat, and who were writhing under the wounds which I was informed they had received from the Mexican soldiery, boatmen, and others of the country, and by whom it appears they had been attacked; the former using in the conflict their cutlasses and bayoneted muskets, whilst the latter assailed them with fragments of stone, clubs, knives, and such other missiles as chance had thrown in their way.

By this time a number of soldiers had collected, and among which were likewise officers, occupying a position near the boat of the Natchez, the former having their deadly weapons, their arms poised in the direction of the crew, and the officers, with swords in hand, all apparently much excited. The seamen were at this time quiescent, under the charge of Mr. Renshaw, who had reached the mole some minutes previous to my arrival; and to whom it is just to say, that his officer-like conduct, on this occasion, reflects on him the highest credit, and to whose authority the seamen at once yielded; but on whom I was apprehensive that the soldiery would have fired, and which there is reason to believe was meditated, and would have been tacitly sanctioned by the officer of the guard, had Don Manuel Rodriguez, the captain of the port, at this awful juncture, not interposed his authority; who, being moved by feelings of humanity, not less than of justice, in behalf of the already half-murdered crew, averted the bloody deed.

It may not be amiss, perhaps, in this place, to state, that I am informed the above-named officer entertains the opinion, in common with many of his countrymen, not influenced by prejudice, admitting the military tribunal to be *ex officio* empowered to take cognizance of the affair in question—a point which *he* is unwilling to concede. *No charges* of a magnitude worthy the notice of the Mexican Government *can, or ought, in anywise*, to rest against the boat's crew of the Natchez.

Returning to the more pertinent points of our subject: it being conceived by Mr. Renshaw, and justly so, that the seamen were incapacitated for duty, being maimed and otherwise disabled, and that it would be jeopardizing the lives of all to embark for the ship, the weather being boisterous, and a heavy sea running, he appealed to me, asking how, or in what manner, he should dispose of his men? Apprehending the consequences of any renewal of hostilities, and as a measure of necessity, for the personal security of the said boat's crew against further violence, I recommended their being, for the present, placed in charge of the captain of the port; and to whose care, at the request of Mr. Renshaw, they were accordingly intrusted for safe-keeping, subject to the order of Mr. R.; and all of whom, with the exception of *two*, were put in temporary confinement. These, being badly wounded, were sent to the hospital for the benefit of surgical aid.

At an early hour next morning, an officer arrived from the ship Natchez, and who was the bearer of a letter from the commander, addressed to the commandant of marine at this place, expressive of his regret at the occurrence of the previous day, and in which he assured the commandant of marine "that, on an investigation of the affair, if it should appear that

the boat's crew of the ship Natchez, under his command, were the aggressors in the case, they should receive condign punishment."

This letter, being presented, was *read* and *returned* to the commander of the Natchez, with a verbal message from General Vasquez, the then military commandant of the State, and to whom it had been submitted by the authority of the Marine Department.

An application being made to the captain of the port for the release of the seamen, I received for answer, that "an order having been issued from superior authority to detain them, he regretted not having it in his power to comply with my request." I now waited on the military commandant general, in regard to the men, who informed me that the "mariners, my countrymen," "whose liberation was asked, had outraged the laws of the Mexican republic; had assaulted the military guard at the mole; and for which offence, the penalty, by the criminal code of Mexico, was a sentence to at least six years' hard labor in the public streets; and to which they would be condemned and made to suffer, should the charges be substantiated;" and who accordingly refused to order the liberation of the said seamen.

The commander of the United States ship Natchez now addressed a communication to the above-mentioned authority, under cover of note from this consulate, protesting against the detention of said seamen, and demanding their liberation; but which was disregarded by the aforesaid authority.

Captain Mervine, not being able to obtain the release of the boat's crew of the ship under his command, unlawfully detained by the authorities of this place, left for Pensacola, via Tampico, on the 10th of this month.

I have to inform you that the seamen still remain in prison; and whose fate and final destiny must depend on the Government of the United States, or such measures as may be adopted by the representative of the United States at the city of Mexico, for their liberation.

I have the honor to inform you, that the facts, as detailed, have been submitted officially to the notice of the chargé d'affaires of the United States at the capital of this republic, and who has been pleased to say that he will do all in his power to procure the release of the American seamen held in confinement by the arbitrary acts of the authorities of Vera Cruz.

I deem it proper to state, that all communication with the said mariners has been precluded me. Three several notes, addressed to the highest functionary of the local Government, requesting permission to visit them, and to minister to their comfort, have been written; all which has been denied me: thus contravening my official immunities, to the prejudice of citizens of the United States, shut up within the walls of a damp and loathsome prison, and who are enduring all the pains, privations, and sufferings of mind and body, incident to a state of incertitude and inquisitorial discipline.

With the assurance of my high respect,

I have the honor to be, sir,

Your obedient servant,

M. BURROUGH.

The Hon. JOHN FORSYTH,  
Department of State, Washington.

No. 64.

*Mr. Burrough to Mr. Forsyth.—Extract.* ○

CONSULATE OF THE UNITED STATES OF AMERICA,  
*Vera Cruz, December 1, 1836.*

SIR: My respects to the department No 51 will have apprized you of a recent outrage committed on the persons of citizens of the United States at this place.

The sufferers on the occasion were James Hoover, Henry Hebert, Richard Freeman, Daniel Groves, John Williams, Samuel Long, John Davis, and Samuel Mouldon, of and belonging to the United States sloop of war Natchez, and who have been detained and imprisoned by the authorities of this Government, to the prejudice of the public service of the United States, without any just cause for the arbitrary measures pursued.!

I have now the gratification to state, that the above-mentioned seamen were released from confinement on the 25th ultimo, and delivered to the charge of this consulate, and who are retained at the expense of the United States, subject to the order of Commodore Dallas.

I regret to add, that the health of the aforementioned mariners is much impaired, not only from the wounds received from the Mexican soldiery on the morning of the 2d November, but from their subsequent confinement in a humid and loathsome prison, (appropriated to convicts.) for the period of twenty three days, on a short allowance of food.

\* \* \* \* \*

I have the honor to be, sir,  
Most respectfully,  
Your obedient servant,  
**M. BURROUGH.**

The Hon. JOHN FORSYTH,  
*Department of State, Washington.*

No. 65.

*Mr. Ellis to Mr. Forsyth.—Extract.* ○

LEGATION OF THE UNITED STATES OF AMERICA,  
*Mexico, September 7, 1836.*

SIR: \* \* \* \* \*

After a strong opposition on the part of the foreign merchants resident in this capital, the forced loan authorized by an act of Congress of the 16th of June last has been ultimately enforced. In general, they permitted their stores to be embargoed, and their goods to be seized, to an extent sufficient to cover the amount of the loan apportioned to each, and the expenses of the embargo; at the same time, by my instructions, formally protesting against the right of this Government to levy such contributions on them. As it is contemplated by the American merchants who have suf-

ferred by this measure to enter a claim for satisfaction against the Mexican Government, I shall be pleased to receive from you, at your earliest leisure, instructions as to the course I ought to pursue.

I have the honor to be,  
 With every respect, sir,  
 Your most obedient servant,  
**POWHATAN ELLIS.**

To the Hon. JOHN FORSYTH,  
*Secretary of State, Washington City.*

No. 66.

*Mr. Forsyth to Mr. Ellis.*

DEPARTMENT OF STATE,  
*Washington, December 20, 1836.*

SIR: With regard to the forced loan authorized by an act of the Mexican Congress of the 16th of June last, I am directed to instruct you that, if the exaction which that Government made by it were a mere tax or contribution levied upon the inhabitants generally, our citizens resident in Mexico would have no right to complain, as they are subjected to such charges by the treaty. If, however, in its execution, (as, from your No. 18, appears to have been the case,) the law should be construed to authorize a loan or *contract*, really compulsory, you will persist, in conformity with the instructions heretofore given you, in demanding redress. Where practicable, this might be afforded by a return of the property taken, in kind; and, where not, by the payment of the value, in money, with full indemnity, in either case, for the damages sustained.

I have the honor to be, sir, your obedient servant,  
**JOHN FORSYTH.**

POWHATAN ELLIS, Esq.,  
*Chargé d'Affaires of the United States, Mexico.*

No. 67.

*Mr. Ellis to Mr. Forsyth.*

LEGATION OF THE UNITED STATES OF AMERICA,  
*Mexico, October 15, 1836.*

SIR: I have the honor, herewith, to transmit to you a copy of my note to his excellency Jose Maria Ortiz Monasterio, acting Minister of Foreign Affairs, in relation to an outrage recently committed on the flag of the United States by the Mexican authorities in Vera Cruz. The accompanying copy of a letter from Marmaduke Burrough, Esq., our consul at that place, contains the information upon which I acted.

These renewed and aggravated instances of insult and aggression on the

flag of a friendly power, I trust, will receive the marked reprehension of the President of the United States. So long as they are suffered to pass by without notice, so long will they be continued by a people who have heretofore shown but little respect to the rights of others.

I have not heard from the Minister of Foreign Affairs since his note of the 3d instant, addressed to me in reply to mine of the 26th ultimo.

I have the honor to be, with great respect,

Your obedient servant,

POWHATAN ELLIS.

Hon. JOHN FORSYTH,  
*Secretary of State, Washington City.*

No. 68.

*Mr. Burrough to Mr. Ellis.*

CONSULATE OF THE UNITED STATES OF AMERICA,  
*Vera Cruz, October 8, 1836.*

SIR: I have to inform you that outrages of a serious character have this day been committed, by the Government authorities of Vera Cruz, on the flag of the United States. The American brig Fourth of July, of Baltimore, whereof Shubael G. Rogers is master, was this morning taken forcible possession of by officers of this Government; the master placed under guard, and finally, with his officers and crew, driven on shore. The Mexican flag was hoisted, under the fire of a gun, at 1 P. M.

The master, I take occasion to state, has not signed, as yet, any bill of sale or other document of the conveyance; the consignee and agent of this Government for the purchase of the said vessel being unprepared to comply with all the requisitions indicated in the letter of instructions which the master bears, as vendor, from the owner, Mr. Edmund Didier, of the city of Baltimore.

The said master has entered protest before me against the proceedings had by the Mexican authorities; and how the case will terminate, is yet doubtful. Fortunately, the United States ship Boston is still in port, and, at my request, will remain a day or two longer. I shall confer with the commander of the Boston in this case, and furnish him with copies of the depositions of Captain Rogers and his officers; and may have it in my power to give you further information on the subject in my next.

I have the honor to be, sir,

Most respectfully,

Your obedient servant,

M. BURROUGH.

Hon. POWHATAN ELLIS,  
*Chargé d'Affaires United States, at Mexico.*

P. S.—Captain Rogers has paid into my hands the amount claimed for payment of seamen, as required by the act of Congress of the 28th of February, 1803, in relation to discharge of seamen in a foreign port; but who has, agreeably to the ship's roll and shipping articles of the brig Fourth of July, violated the requisitions of the first section of the above act, referred to in your official communication of the 1st instant.

M. B.

No. 69.

*Mr. Ellis to Mr. Monasterio. O*

LEGATION OF THE UNITED STATES OF AMERICA,  
Mexico, October 14, 1836.

The undersigned, chargé d'affaires of the United States of America, begs leave to represent to your excellency, that he is advised by the consul of the United States at Vera Cruz that on the 8th instant certain Mexican officers boarded the American brig Fourth of July, of Baltimore, S. G. Rogers, master, then lying at anchor in the port of Vera Cruz; forcibly took possession of her, placed the captain under guard, and finally compelled him and his crew to go on shore; at the same time supplanting the flag of the United States, and hoisting that of this nation, under the firing of artillery.

The undersigned will refrain from making any comment on this extraordinary and unexpected outrage committed on the flag of his country, under a full conviction that the acts were perpetrated without the knowledge or authority of this Government. He will, however, remark, that your excellency must at once see the enormity of the offence, as well as the measure of redress expected under such circumstances. He, therefore, in noticing this case, feels it to be his duty to demand of the Mexican Government the immediate restoration of the vessel in question, with damages for her detention; the prompt and exemplary punishment of the author of such lawless proceedings, and due satisfaction for the indignity offered to the United States in the forcible and arbitrary seizure of one of her vessels without any just excuse whatever.

The undersigned profits of this occasion to offer to Mr. Monasterio the assurance of his personal esteem and very distinguished consideration.

POWHATAN ELLIS.

To His Excellency JOSE MARIA ORTIZ MONASTERIO,  
*Acting Minister of Foreign Affairs.*

No. 70.

*Mr. Forsyth to Mr. Ellis.—Extract.*

DEPARTMENT OF STATE,  
Washington, December 9, 1836.

SIR :

With regard to the affair brought to the notice of the department in your No. 29, I have to state that the Navy Department is in possession of information that the owners of the brig Fourth of July are content. You will consequently desist from claiming her, or damages for her detention, as American property. The circumstances, however, under which the vessel is represented to have been seized by the Mexican authorities afford such strong presumptive proof of a design on their part to insult the flag of the

United States, that you will on that point press for proper satisfaction. Acts of that character, proceeding from whatever motive, cannot be overlooked by this Government.

I have the honor to be, sir,  
 Your obedient servant,  
 JOHN FORSYTH.

POWHATAN ELLIS, Esq.,  
*Chargé d'Affaires of the United States, Mexico.*

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No. 71.

*Mr. Ellis to Mr. Forsyth.*

UNITED STATES SHIP BOSTON,  
*Belize, January 12, 1837.*

SIR: I avail myself of an opportunity which presents itself at this moment, to advise you that I took my departure from the Mexican capital on the 28th ultimo, and shall use every exertion to reach Washington city, with the archives of the legation, by the 1st of February.

I have the honor to be, with great respect,  
 Your most obedient servant,  
 POWHATAN ELLIS.

Hon. JOHN FORSYTH,  
*Secretary of State, Washington City.*





**JOSHUA DODGE—CONSULS' FEES, &c.**

[To accompany H. R. No. 887.]

**JANUARY 28, 1837.**

Mr. PINCKNEY, from the Committee on Commerce, made the following

**REPORT:**

*[Report of the Committee on Commerce on the memorial of Joshua Dodge, American consul at Bremen, (referred to said committee by the Hon. Secretary of State,) relating to the subject of consuls' fees, and the propriety of additional legislation to prevent evasions of the act of Congress of March 1, 1823, requiring the verification of invoices of goods imported into the United States.]*

*The Committee on Commerce, to which was transmitted, by the Hon. Secretary of State, a memorial addressed to the State Department by Joshua Dodge, Esq., United States consul at Bremen, have had the same under consideration, and respectfully ask leave to report thereon, as follows:*

The memorial relates to the certificates required to be given by consuls to invoices of goods imported into the United States. It complains of the evasions, by foreign merchants, of the laws of the United States requiring such certificates, and of the consequent injury sustained by consuls in the diminution of their fees. It exhibits the various practices resorted to, particularly by the Bremen merchants, for the purpose of evasion, and the probable motives by which they have been governed in adopting them. It solicits the attention of the Government to the evils complained of, and urges the necessity of additional legislation, for the purpose of insuring, equally and effectually, the execution of the laws, and the payment to consuls and commercial agents of the fees and emoluments to which they are legally entitled.

Your committee have no doubt that the American consul at Bremen, in inviting attention to these matters, has been actuated not less by a sincere desire to benefit the Government, by causing the laws of the United States to be properly respected and observed, than by a natural disposition to maintain his own rights and interests, and those of other officers similarly situated with himself, by insuring, as far as possible, the regular payment of their fees. At all events, the case is one in which it is as much the policy of the Government to prevent evasions of the law, as it is the interest of consuls to prevent the continued loss of their emoluments; and, there-

Blair & Rives, printers.

fore, in either or in both points of view, it merits the serious consideration of the Legislature.

It seems, from the communication above referred to, that the Bremen merchants trading to this country are not the only ones who have succeeded in impairing the profits of the consulate. American consuls at other ports also complain of the diminution of their fees, arising from the fact that other foreign merchants have pursued the same course with those of Bremen, for the purpose of escaping from the laws requiring the verification of invoices by consular certificates.

The diminution of the consular emoluments at Bremen is said to have particularly taken place within the last three years. This is the more worthy of remark, as furnishing evidence of the extent to which the evasions complained of have been carried, because it is well known that, within that period, the shipments from that port to the United States, on foreign account, have been greatly augmented.

Your committee will briefly advert to some of the causes to which this diminution is ascribed.

It appears, for instance, that the merchants of Bremen are in the habit of procuring their countrymen, or correspondents, in this country, to become interested with them, though only to a very small amount, in their shipments to the United States; and that, whenever an arrangement of this kind is made, the purchaser and owner, in Bremen, of the greater portion, considers himself under no obligation to appear at the consulate, to take the oath, as required by the 7th section of the act of the 1st of March, 1823, but leaves it to be taken at the custom-house by the other part owner in the United States. It appears, also, that foreign merchants, and particularly those at Bremen, entertain the erroneous impression that where merchandise is either free of duty or subject to specific duty, there is no necessity to take consular certificates to their invoices; and, therefore, they refuse or neglect to take them.

In this manner the laws have been evaded to a great extent, and the emoluments of the consulate correspondingly reduced.

As regards the motives by which the Bremen merchants are actuated, in resorting to these evasions of the laws, it is unnecessary, if not improper, to say any thing concerning them. It may be that they simply desire to escape the necessity of appearing personally at the consulate, and there making oath to the value of their merchandise; or, it may be that, in addition to this, they also desire to effect such a reduction in the income of the consulate as will compel American citizens to abandon it, from its utter inadequacy to maintain them. Should this latter object be accomplished, the United States, of necessity, would again be represented at that port by native Bremen merchants; in which event, the system of evasion now carried on would probably be prosecuted to a greater extent than ever. It is said that while the former consul, a native of Bremen, was in office, the merchants were generally permitted to sign the oaths to invoices at their own counting rooms, and then send them to the consul, who would annex said oaths, with the consular seal, to the invoices, and certify that the merchants or manufacturers had sworn to the same before him, on the days mentioned in the consular certificates, when, in fact, he had never administered any such oaths. It is not unlikely, should another native be appointed to the consulate, that similar practices would again prevail; and, therefore, it is but reasonable to conclude, that as all such irregularities have been firmly

resisted by the present consul, who has endeavored, to the utmost of his power, to enforce the laws, the Bremen merchants have determined, if possible, to drive him from his office by the destruction of its income, in the hope, and with the view, of being able to resume the conduct above alluded to, through the collusion or connivance of native consuls.

But, be their motives what they may, they are of little moment compared with the importance of providing a remedy for the evils complained of, and repairing the imperfections of existing laws.

Unquestionably, one of the principal objects of the act of 1823 was to insure the regular verification of invoices of merchandise imported into the United States. Surely, then, if it be politic or important that such verifications should be made at all, it is equally important that as little opportunity as possible should be afforded for evasion.

Another object was, to provide compensation for the officers whose duty it is made to administer the law. Consuls, however, are allowed no compensation, except their fees. Surely, then, it is but just that proper measures should be taken to insure the payment of the fees to which they are entitled, and of which there is too much reason to apprehend they will continue to be deprived, unless they are protected by the prompt and efficient interposition of the Government.

The remedy, in the opinion of your committee, that ought to be applied, might be found in the adoption of amendments to the act of 1823, to the following effect:

In all cases in which goods shipped for the United States belong either wholly or in part to persons residing out of the United States, the oath required to admit them to entry should be taken before the American consul at the port from which they are exported, provided there be one, and should be certified by him; and in all cases in which the goods belong wholly to persons residing in the United States, a certificate of that fact should, in like manner, be procured. The effect of such provisions would be, that the interest of the consul would conspire with his duty to render him vigilant in preventing evasions of the law; and the motive which the exporter now has to avoid the verification before the consul, (that of saving the expense of the certificate,) would no longer exist, as a certificate would be alike necessary, whether the goods belong wholly to a person or persons residing in this country, or in the one from which they are exported. As regulations of this kind would embrace all cases, no opportunities of evasion could possibly occur.

In addition to the provisions above mentioned, all invoices should be required to be verified, whether the articles are subject to duty, or not. Your committee can see no reason why any discrimination should be made. As the great object of the law, in requiring the verification of invoices, is not only with a view to the correct calculation of duties, but also for the purpose of obtaining statistical information for the use and benefit of the Government, it is certainly desirable that the system should be uniform. It may be that in many instances invoices are omitted to be verified, under the impression, as above stated, that it is not necessary in relation to articles free of duty, or subject to specific duty. No longer doubt should be permitted to exist upon the subject. It is important that accurate information should be obtained in relation to invoices of goods imported into our country, and, to that end, uniformity, as regards their verification, is absolutely necessary.

In accordance with these views, your committee respectfully ask leave to report a bill; and they will only remark, in conclusion, that, having consulted the honorable Secretary of State upon the provisions embodied in said bill, they are authorized to state that he has expressed his entire concurrence in them, and his conviction of the necessity of additional legislation for the purpose of giving full efficacy to the act of 1823, which it is now proposed to carry out and confirm by the amendatory bill herewith reported.

JOHN PAUL JONES.

## STATEMENTS

FROM THE

## BOOKS OF THE TREASURY DEPARTMENT,

*Respecting the prize money obtained by the late John Paul Jones from the Government of France.*

JANUARY 30, 1837.

Printed by order of the House of Representatives.

TREASURY DEPARTMENT,  
Register's Office, January 28, 1837.

SIR: The enclosed transcripts exhibit the information relative to the prize money due the squadron under the command of the late John Paul Jones.

By the paper marked A, it appears that \$20,772 55 was paid by Capt. Jones to the United States' bankers in Paris, and, the same having been applied by them to the payment of the salaries of foreign ministers, and for other objects, in France, funds were provided in this country by the Board of Treasury, and placed in the hands of Wm. Edgar, of New York, as disbursing agent, (per B.) Of the amount advanced to Mr. Edgar, it appears, by paper marked C, that \$5,274 57, not having been applied for, was, in February, 1789, returned to the Treasury. Out of the sum thus returned, the following payments have been made under the present Government, viz:

1790, December	29.	To Joseph Russells	-	-	-	\$13 16
1791, February	8.	Thomas Jones	-	-	-	52 66
	15.	Matthew Parke, administrator of	-	-	-	
		sundry persons	-	-	-	818 74
March	17.	William Physick	-	-	-	52 66
April	14.	John Combs	-	-	-	35 14
May	2.	Thomas Dupey	-	-	-	36 25
	5.	Elijah Middleton	-	-	-	6 03
July	7.	Joseph Frederick, (a copy of his ac-	-	-	-	
		count enclosed)	-	-	-	36 25
October	5.	Josiah Bachelor	-	-	-	36 25
1792, July	27.	Elijah Cæsar	-	-	-	36 25
November	23.	John Burbank	-	-	-	83 12
1793, April	24.	Abraham Bradley	-	-	-	36 25

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1793, July	3.	John Anniball	-	-	-	\$37 36
		Henry Wrightington	-	-	-	37 36
1794, May	8.	James McGhan	-	-	-	35 14
June	16.	John White	-	-	-	22 27
						<hr/> \$1,374 89 <hr/>

The amount of these payments deducted from the sum returned to the Treasury by Mr. Edgar, leaves of the fund a balance unapplied of \$3,899 68.

A roll of the persons entitled to shares of the prizes captured by Capt. Jones, is on the files of the Department of State. By that roll, Richard and Gilbert Wal appear each to have been entitled to livres tournois 199 7 6. There is, however, on the roll, no mark indicating those which have been paid; and, as the "dividend book" referred to in the Auditor's report in favor of Joseph Frederick, (of which the enclosed is a copy,) has been lost, it cannot now be ascertained whether the Gilberts were paid the amounts due to them, or not.

I have the honor to be, sir,

Your obedient servant,

T. L. SMITH.

Hon. HENRY L. PINCKNEY.

NOTE.—There is no list of the payments made by Mr. Edgar on file in this office; and, from his account remaining open, it is presumed no return was made by him, unless it be that referred to in the Auditor's statement in favor of Joseph Frederick, above mentioned.

A.

REGISTER'S OFFICE,  
New York, May 1, 1787.

Mons. GRAND, banker at Paris, his French account.....Dr.

To JOHN PAUL JONES, his account in livres tournois, paid into the hands of Mons. Grand for prize money due to the crews of the squadron under the command of said Jones:

For one hundred and twelve thousand one hundred and seventy-two livres two sols and four deniers, entered in pursuance of the Comptroller's letter to me, dated the 30th ultimo, to the debit of said Grand, being for so much paid by said Jones to him (Grand) as a balance of prize money due to the crews of Capt. Jones's late squadron, and which, having been applied by said Grand to the payment of salaries due "foreign ministers, and other necessary disbursements arising in France," rendered it expedient for the Commissioners of the Treasury to apply a like sum from the Treasury here, (as per entry of this date a warrant in favor of William Edgar, blotter 3446,) in order to secure to the claimants the proportion of prize money to which they are

respectively entitled, (vide the letter from the Board to the Comptroller of the Treasury, dated 27th April, 1787, referring to a letter of 12th August, 1786, from Thomas Jefferson, Esq., minister plenipotentiary from the United States at the court of France, to the Board, on this subject,) 112,172 24 - \$20,772 55

TREASURY DEPARTMENT,  
*Register's Office, January 27, 1837.*

I certify that the foregoing entry is truly taken and made from blotter No. 10, page 3446, one of the revolutionary records in this office.

T. L. SMITH, *Register.*

B.

REGISTER'S OFFICE,  
*New York, May 1, 1787.*

WILLIAM EDGAR, Esq., New York.....Dr.

To Treasury warfants drawn, &c. :

For a warrant, No. 677, drawn 27th April, in favor of said Edgar, for twenty thousand seven hundred and seventy-two dollars and fifty-five ninetieths, being on account of prize money due to the squadron under the command of Captain John Paul Jones, in the year 1779; for the distribution of which the said William Edgar is held accountable, agreeably to the instructions of the board - - - \$20,772 55

TREASURY DEPARTMENT,  
*Register's Office, January 27, 1837.*

I certify that the foregoing entry is truly taken and made from blotter No. 10, page 3446, one of the revolutionary records in this office.

T. L. SMITH, *Register.*

C.

REGISTER'S OFFICE,  
*New York, February 26, 1789.*

MICHAEL HILLEGAS, Treasurer.....Dr.

To WILLIAM EDGAR, Esq., of New York :

For a warrant, No. 478, drawn this day in favor of said Treasurer, on William Edgar, Esq., for five thousand two hundred and seventy-four dollars and fifty-seven ninetieths, being the balance remaining in his hands this day, of moneys by him received, on account of prize money due the squadron under the command of John Paul Jones - - - \$5,274 57

TREASURY DEPARTMENT,  
Register's Office, January 27, 1837.

I certify that the foregoing entry is truly taken and made from blotter No. 12, page 4187, one of the revolutionary records in this office.

T. L. SMITH, *Register*.

The United States

To JOSEPH FREDERICK.....Dr.

To his share of the prizes captured by the squadron under the command of John Paul Jones, in the northern seas; the said Frederick acting as boatswain's mate on board the Alliance, as appears by the dividend book for said prizes, filed in this office	\$37 36
Deduct so much paid him by Thomas Barclay, Esq., on account of his prize money	1 11
	<hr/> \$36 25



TREASURY DEPARTMENT,  
Auditor's Office, June 20, 1791.

Stated and examined by

DOYLE SWEENEY.

COMPTROLLER'S OFFICE, June 23, 1791.

Examined by

A. BRODIE.

TREASURY DEPARTMENT,  
Register's Office, January 28, 1837.

I hereby certify the above to be a true copy of the original on file in this office.

T. L. SMITH, *Register*.

NOTE.—Upon reference to the Auditor's office, the dividend book above mentioned is ascertained to be lost.



RESOLUTIONS

OF THE

GENERAL ASSEMBLY OF MARYLAND,

IN RELATION TO

*A reduction of the Duties imposed by Foreign Nations on the Importation of Tobacco.*

FEBRUARY 2, 1837.

Presented, and ordered to be printed.

*omitted*

EXECUTIVE DEPARTMENT,

Annapolis, January 27, 1837.

SIR: In compliance with the request of the General Assembly, I transmit you a copy of a preamble and resolutions recently passed in relation to the interests of tobacco-planters;

And have the honor to remain,

Very respectfully, your obedient servant,

THO. W. VEAZEY.

The Hon. JOSEPH KENT,  
United States Senate.

Whereas it is important to the interest and prosperity of a large portion of the people of the United States, and particularly to the people of the States of Maryland, Virginia, Ohio, Kentucky, and Missouri, that in the future adjustment by Congress of the tariff system, a just and equal regard should be had to the article of tobacco, an agricultural product which has hitherto been entirely neglected by the Government, as well in its intercourse with foreign nations as in its general legislation: and whereas the high duties which are imposed by most foreign nations upon the introduction of tobacco within their ports operate as a prohibition upon its consumption, and consequently tend to the manifest injury of the grower, by diminishing its value: and whereas it is believed that arrangements may be made and negotiations had with most foreign Governments, by which the article of tobacco may be more freely admitted, and with less duty than is at present imposed, if a proper and reasonable degree of solicitude is entertained and manifested by the Government in its diplomatic relations with those nations: and whereas it is but just and reasonable that other nations should extend to those

agricultural products of the United States which partake in their character of the nature of luxuries, the same liberality and favor that the United States are now extending towards articles of the same nature of foreign growth or manufacture: and whereas it is essentially necessary that some efforts should be made to mitigate the present distressed and suffering condition of the tobacco-growers, and to prevent a total sacrifice of an immense capital now invested in the cultivation of that article, or its necessary transfer to the Southern country, where the cultivation of cotton and sugar hold out more inviting inducements, and which, if such an event should take place, must necessarily drain those sections of the country where tobacco is now made much of their present wealth, and a large portion of their population, and also tend to lessen the value of cotton and sugar by reason of their increased production; therefore—

*Resolved by the General Assembly of Maryland,* That the Executive of Maryland be requested to communicate with the President of the United States upon this subject, with the view of inducing the Government of the United States, by instructions to our diplomatic agents, to use their efforts in obtaining from foreign nations a reduction of the existing duties imposed on the introduction of tobacco within their respective limits.

*Resolved,* That the Executive of Maryland be requested to communicate with the Executives of the several States interested in the cultivation of tobacco, asking their co-operation in obtaining, through the medium of the General Government, a reduction of the duties imposed on tobacco by foreign nations, and that they be requested to call the attention of the Legislatures of their respective States to this subject.

*Resolved,* That the Senators and Representatives of this State in the Congress of the United States be requested to take under their especial care this highly important and much neglected interest, and that they be particularly requested to oppose all and every adjustment of the present tariff, without obtaining for the tobacco interest a fair and equal participation in the benefits to be derived from such adjustment.

*Resolved,* That the Governor be requested to transmit a copy of the foregoing preamble and resolutions to the Senators and Representatives in Congress from this State.

We certify the foregoing to be a true copy from the original preamble and resolutions which passed both branches of the Legislature of Maryland, at December session, 1836.

Given under our hands this 23d January, 1837.

GEORGE G. BREWER,  
*Clerk House Delegates, Maryland.*  
JOS. H. NICHOLSON,  
*Clerk Senate, Maryland.*

## REPORT

*Of the Select Committee, to which was referred so much of the President's message as relates to the progress and expenditures of the Commissioners, under the fifth, sixth, and seventh, articles of the Treaty of Ghent; accompanied with a Bill establishing the salaries of the Commissioners and Agents appointed under said Treaty.*

FEBRUARY 3, 1821.

Read, and, with the bill, committed to a committee of the whole House on Monday next.

The select committee, to whom was referred the message of the President of the United States, respecting the progress and expenditures of the Commissioners, under the fifth, sixth, and seventh, articles of the treaty of Ghent, respectfully submit the following

### REPORT :

The fifth article of the treaty of Ghent provides for ascertaining the boundary from the source of the St. Croix to the northwest corner of Nova Scotia, and, also, from that corner, westwardly, between the United States and Canada, until the line strikes the Iroquois, now called the St. Lawrence, in latitude 45 degrees north.

Mr. Van Ness is the commissioner of the United States for this section of the boundary line.

The sixth article of the treaty of Ghent provides for ascertaining the boundary line, westwardly, from the above mentioned point on the St. Lawrence, through Lakes Ontario, Erie, and Huron, and their water communications to Lake Superior.

Mr. Porter, of New York, is the commissioner, on the part of the United States, assigned to this section.

By the seventh article of that treaty, it is stipulated that, *when* the commissioners appointed under the sixth article shall have performed the duties required by that article, *then* they are authorized to determine the boundary line from the water communication between Lakes Huron and Superior to the northwest corner of the Lake of the Woods. The whole boundary to be established agreeably to the provisions of the treaty of 1783.

Mr. Porter will, of course, become the American commissioner, when he shall have finished the duties required by the sixth article of the treaty of Ghent.

By their resolution of the 21st of November last, the House requested the President of the United States to lay before them information respecting the progress made by the commissioners in establishing the boundary above mentioned, and the expenses already incurred. With his message of the 14th of December last, the President transmitted a report of the Secretary of State, containing all the information in the possession of that Department, requested by that resolution.

So far as relates to the boundary from the head of the St. Croix to the St. Lawrence, it seems that no information had been afforded to the government at the date of the President's message. Mr. Van Ness, in his letter of the 25th November last, observes, "with respect to the progress which has been made by the commission, I understand the agent has already given to the government all the information which it would be in my power to communicate." He also mentions that "the commissioners, under the fifth article of the treaty, have held two sessions the present year;" but there is no disclosure of past exertions, or future prospects, in the discharge of the duties assigned to him.

Since that time, the committee have been furnished with a communication from Mr. Van Ness, (marked No. 18, in the manuscript documents attending this report,) dated January 6, 1821, in which he observes, that the next meeting is to be held on the 14th next May, and that the commissioners intend at that meeting to continue in session until they have decided upon all questions submitted to them by the treaty." To this letter the committee would call the attention of the House, as containing much information of the progress which the commissioners, under the fifth article, have made. No satisfactory reason, however, is assigned why earlier information has not been given to the government. The committee have not seen any occasion for secrecy on the part of the commissioners. They were appointed to ascertain certain facts, which were supposed to exist. A disclosure of their proceedings would neither change the position of the north-west corner of Nova Scotia, nor alter the forty-fifth degree of north latitude.

The information of the progress of the commissioners, under the sixth article of the treaty of Ghent, is found in the letters of Mr. Delafield, dated October 13th, and of November 1st, and in one from Mr. Porter, of December 2d, 1820, which are among the printed documents. These gentlemen express a belief, that the surveys under the last mentioned article will be completed during the next season. But it appears that no part of the boundary is finally settled. Whether it will be done next season, must depend on the termination of the surveys, and the agreement of the commissioners. Any event which should prevent the agent or commissioner on either side from attending to his duties, would probably delay a decision for another year. And should the calculations of the American commissioner

and agent prove correct, they will have devoted about six years to the performance of this part of their duty.

After this they will be ready to turn their attention to the boundary from the water communication between Huron and Superior, to the northwest corner of the lake of the Woods, according to the *seventh* article of the treaty.

It is observed in the letter of Mr. Porter, above referred to, that "the seventh article of the treaty relates to a country, which is comparatively of little importance, and a system of operations is proposed to be adopted for designating the boundary, which will greatly reduce both the time and expense of its execution." What this system of operations may be, is not disclosed.

It is presumed, however, to be such a system, as will not endanger the rights of the nation, while it is a subject of regret, that it had not been sooner applied.

From an examination of the printed documents, it appears, that the sum of \$194,137 63 has been drawn from the Treasury on account of the two commissions under the treaty, which have been mentioned.

Mr. Van Ness, as commissioner under the fifth article, has received	\$82,444 00.
Mr. Bradley, as agent,	16,685 10
	<hr/>
	99,099 10
	<hr/>

Of this sum \$35,666 13 have been expended by the agent, and the accounts adjusted by the American and British *commissioners*. But the statements afforded are in such general terms, that explanation is required to determine how far they could be approved by this government. The remainder of the sum drawn under the fifth article remains without evidence of its disbursement, except what may be retained for the commissioner's salary.

Mr. Porter, the commissioner under the sixth and seventh articles of the treaty, has drawn from the Treasury \$65,315 95. No part has been accounted for. He has transmitted statements of expenditures to the amount of \$47,263 09 exclusive of his salary. He informs the Secretary of State, that "the vouchers will be transmitted to Washington on the closing of the sixth article."

Mr. Hawkins, the late agent under the sixth and seventh articles, has drawn from the Treasury	\$28,891 80
Received from Mr. Porter	1,815 95
	<hr/>
Amounting to the sum of	30,707 75
Statements of expenditures, which yet are not adjusted, are furnished, including salary while employed, amounting to	18,548 97
	<hr/>
Balance against Mr. Hawkins,	12,158 78
	<hr/>

It has not been explained to the committee, why the persons employed under the treaty have not accounted for the moneys which have been drawn from the Treasury. The nation is as deeply interested in the proper application of its funds, expended under a treaty, as under any other law. It is important also that the government should have a knowledge of past expenditures, that it may properly provide for future wants.

Agreeably to the resolution of the House, of January 3d, the committee have considered the expediency of fixing by law the salaries of the commissioners and agents under the treaty of Ghent.

In order to come to a conclusion on the subject of that resolution, recurrence must be had to the provisions of that treaty. By the eighth article, it is stipulated "that the said commissioners shall, respectively, be paid in *such manner* as shall be agreed between the contracting parties, such agreement being to be settled at the time of the exchange of the ratifications of this treaty; and all other expenses attending the said commission shall be defrayed equally by the two parties." It is clear that the treaty does not fix the amount of compensation which those officers are to receive. It declares that the commissioners shall be paid in *such manner* as shall be agreed upon by the *two contracting parties*. The contracting parties must be understood to be the governments of the United States and Great Britain. If this opinion of the committee is correct, it would seem to require an exercise of the same power, on the part of this government at least, to agree upon the *manner* in which the commissioners should be paid, as was required to form the treaty itself.

The committee requested the Secretary of State to inform them whether any agreement had been made between the two governments at the time of the ratification of the treaty or since, as to the salaries of the commissioners, and whether any communication had taken place between the two governments on the subject of that or any other expense attending the commission.

The answer to these and to other inquiries deemed material by the committee is contained in the manuscript documents attending this report. No. 8, to which the committee would call the attention of the House, is a paper signed by Mr. Baker, containing the evidence of an exchange of the ratifications of the treaty. This paper contains the following expressions, viz: "At the same time Mr. Monroe (acting Secretary of State) expressed the willingness of the government of the United States to arrange the payment of the commissioners to be appointed in pursuance of the treaty, on the same principles as were observed in carrying into execution the treaty of 1794, between the same powers, that is, the expense to be equally borne by the two governments; to which arrangement the undersigned consented."

This is the only document relating to this subject which the committee have received. It appears therefore to the committee, that the two contracting parties have not settled the salaries nor amount of

compensation, which the commissioners or agents shall receive for their respective services.

It would seem, therefore, that each government was at liberty to make such allowance to those of its own officers as should be equitable and just.

By the letter of the Secretary of State, No. 1, of the manuscript documents, the House will be fully informed what compensation has been allowed, heretofore, by the executive government to the commissioners and agents. That letter contains a full explanation of the principles by which the executive has been governed in regulating such compensation.

Congress having made general appropriations for carrying into execution the provisions of the treaty of Ghent, without designating the amount for any particular service, the expenditure was left, in a great measure, to the discretion of the executive. Such salaries were then authorized as had been allowed under the treaty of 1794, for similar services, which had received the approbation of Congress. But as this government is under no obligation, by any provisions of the treaty, to allow any definite compensation to those officers, they cannot derive their present salaries from any higher authority than a law of Congress. It is considered by the Committee, that Congress has the same power to increase or diminish any future allowances in this, as in ordinary cases, where salaries are regulated by its laws.

The salaries of the commissioners under the treaty of 1794 were a subject of negotiation. The arrangements then made are referred to, as has been noticed, as principles for the execution of the treaty of Ghent in this particular point, after having received the sanction of Congress.

Mr. Van Ness, in his letter of the 25th November, contained among the printed papers, observes, that the British commissioners receive 1200 pounds sterling; and, he considers, it is in accordance with the treaty that the American Commissioners should receive the same salary, as they are the joint officers of the two governments.

The Committee consider the opinion of lord Grenville is correct, as expressed in No. 3, of the manuscript papers. He observed to our minister, when in the discussion of this point, that "the clause in the treaty of 1794, did not imply that the payment of all the commissioners should be the same." It is considered that equality of salaries in this case is no more necessary than that American and British ministers should receive an equal compensation. The same may be said of the agents. This is the opinion of one of the American commissioners, Mr. Porter. In his letter of December 2, among the printed documents, with great propriety, he observes, in relation to the compensation of Mr. Delafield, the acting agent under the sixth and seventh articles of the treaty, that "I believe the board of which I am a member has heretofore considered that neither considerations of justice nor national *etiquette*, required that the compensation of the two agents should be the same."

It is observed in the statements of expenditures exhibited by Mr. Porter and Mr. Hawkins, that charges are made for personal expenses, exclusive of their salaries. By recurring to the laws which have been mentioned by the Secretary of State, and considered by him as the basis of present allowances, it is provided that the compensation of commissioners who shall serve in the United States, shall not exceed the rate of \$4,445 per annum. It would seem as just that the judges of the Supreme Courts, or the officers of the departments of government, should charge their personal expenses while discharging their respective duties, as that this privilege should be allowed to commissioners and agents.

Nos. 9 and 15, of the manuscript documents, contain the sentiments of the executive respecting the expense and dilatory progress of the several commissions. No. 11 expresses the feelings of the British government on the same subject. It is believed that these papers speak the language of this nation, while they afford satisfactory evidence that the executive has exerted all the power he possesses, in urging forward a prompt and faithful execution of the treaty.

The Committee, however, are of opinion, that had particular instructions, as far as practicable, been issued to the commissioners and agents, respecting the proper objects and amount of expenditure, and required a frequent adjustment of their accounts, their proceedings would have been rendered less expensive.

It is considered that the salaries now allowed are far greater in proportion to the services performed, than those which are usually given to any officers of government; that they are subject to the authority and control of Congress, and ought to be reduced.

It is also considered that the commissioners and agents should be required to render an account for the public moneys they may have received, without delay; and while they are allowed, as a salary, the sum of \$4,444, it should be in full of all personal expenses.

For these purposes the Committee ask leave to report a bill.

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*Mr. Van Ness to the Secretary of State. (No. 18.)*

*Burlington, January 6, 1821.*

SIR: Having just received a copy of the message of the President of the United States to the House of Representatives on the subject of the boundary lines to be settled under the treaty of Ghent, and finding nothing in it that relates to the progress made by the commission under the 5th article of the treaty, I feel it my duty to trouble you with a further communication.

In the letter which I had the honor to address to you from New York, on the 25th November last, I said nothing on that point, be-



cause, as I stated therein, I understood the agent had already given to the government all the information which it would be in my power to communicate. That such was the fact, and that you had been pleased to express yourself entirely satisfied with the course pursued by the officers appointed on the part of the United States, as also had the President, was stated to me by the agent in November last, after a visit made to Washington for the express purpose of giving information and making explanations, in relation to the proceedings of the commission.

I had, therefore, no reason to doubt that the President was in possession of sufficient information to state to the House of Representatives the progress which had been made in the execution of the 5th article of the treaty. But, it now appearing that the President could not have so considered it, I hasten to inform you that all the surveys and explorations relating to the northwest angle of Nova Scotia, as designated in the treaty of 1783, and to the northwesternmost head of Connecticut river, which are essential to the discussion and decision of these two contested and important points, and the observations on the parallel of latitude between Connecticut river and the Iroquois river, which are necessary to a determination of that line, have been completed.

The obstacles to be encountered in making these surveys have been great and numerous. The whole extent of country from the source of the river St. Croix, north to the river St. Lawrence, and between that line and the head of Connecticut river, is one vast and entire wilderness, inhabited by no human being, except a few savages, and, in one spot, a few Frenchmen. The services performed have been extremely arduous, and the difficulty and expense of transportation, and of subsisting the persons engaged in the work, have necessarily been very considerable.

That a knowledge of the different ranges of high lands, and of the sources and destination of the principal streams of water in the tract of country alluded to, derived from actual and proper observations and surveys, is indispensable to a just execution of the 5th article of the treaty, will not, I think, be questioned; particularly as the claims of the respective parties are much at variance; and in view of a possibility that the case may be ultimately referred to a foreign power.

All the reports and plans of the last season's work will soon be completed and delivered to the agents, so as to enable them to be prepared to submit their arguments to the board at its next meeting on the 14th day of May next; a period as early as it will be practicable for the agent of his Britannic majesty to come from St. John's, in New Brunswick, the place of his residence, to New York, the place of meeting. The commissioners intend, at that meeting, to continue in session until they shall have decided upon all questions submitted to them by the treaty. If they agree, there will only remain some running and marking of lines, at a very diminished expense. But, if they should differ in their opinions they will make separate reports, and the commission will be at an end in that way.

As to the contingent expenses, it may be remarked that they have thus far been enhanced in consequence of the performance of two distinct services at the same time, the surveys to the eastward of Connecticut river, and the astronomical operations on the parallel of latitude. But, by this there will, in the end, be a saving, as, in hastening the completion of the whole business, the salary offices will the sooner expire.

I cannot close this letter without an expression of my confidence, that it will not escape the observation of any person, that, in a case like this, many things may not be fully understood and approved by those not immediately acquainted with all the proceedings of the commission, which, if the individuals concerned were on the spot, might be susceptible of explanations perfectly satisfactory, but which cannot be anticipated by those individuals.

I rely upon your kindness, sir, to transmit to the honorable the House of Representatives of the United States a copy of this communication as soon after its receipt as shall be convenient.

I have the honor to be,

With much respect,

Your most obedient servant,

C. P. VAN NESS.

The Hon. JOHN QUINCY ADAMS,  
*Secretary of State.*

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

*On the subject of the present state of our Relations with Mexico.*

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FEBRUARY 7, 1837.

Referred to the Committee on Foreign Relations, and ordered to be printed.

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*To the Senate of the United States :*

At the beginning of this session Congress was informed that our claims upon Mexico had not been adjusted, but that, notwithstanding the irritating effect upon her councils of the movements in Texas, I hoped, by great forbearance, to avoid the necessity of again bringing the subject of them to your notice. That hope has been disappointed. Having in vain urged upon that Government the justice of those claims, and my indispensable obligation to insist that there should be "no further delay in the acknowledgment, if not in the redress of the injuries complained of," my duty requires that the whole subject should be presented, as it now is, for the action of Congress, whose exclusive right it is to decide on the further measures of redress to be employed. The length of time since some of the injuries have been committed, the repeated and unavailing applications for redress, the wanton character of some of the outrages upon the property and persons of our citizens, upon the officers and flag of the United States, independent of recent insults to this Government and people by the late extraordinary Mexican minister, would justify, in the eyes of all nations, immediate war. That remedy, however, should not be used by just and generous nations, confiding in their strength, for injuries committed, if it can be honorably avoided; and it has occurred to me that, considering the present embarrassed condition of that country, we should act with both wisdom and moderation, by giving to Mexico one more opportunity to atone for the past before we take redress into our own hands. To avoid all misconception on the part of Mexico, as well as to protect our own national character from reproach, this opportunity should be given, with the avowed design and full preparation to take immediate satisfaction, if it should not be obtained on a repetition of the demand for it. To this end I recommend that an act be passed authorizing reprisals, and the use of the naval force of the United States by the Executive against Mexico, to enforce them, in the event of a refusal by the Mexican Government to come to an amicable adjustment of the matters in controversy between us, upon another demand thereof, made from on board one of our vessels of war on the coast of Mexico.

The documents herewith transmitted, with those accompanying my message in answer to a call of the House of Representatives of the 17th ultimo, will enable Congress to judge of the propriety of the course heretofore pursued, and to decide upon the necessity of that now recommended.

If these views should fail to meet the concurrence of Congress, and that body be able to find, in the condition of the affairs between the two countries, as disclosed by the accompanying documents, with those referred to, any well-grounded reasons to hope that an adjustment of the controversy between them can be effected without a resort to the measures I have felt it my duty to recommend, they may be assured of my co-operation in any other course that shall be deemed honorable and proper.

ANDREW JACKSON.

WASHINGTON, *February 6, 1837.*

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DEPARTMENT OF STATE,

*Washington, February 6, 1837.*

The Secretary of State has the honor to lay before the President copies of papers upon the subject of the relations between the United States and the Mexican republic, which have been received since the report from this Department made under the reference of the resolution of the House of Representatives of the 17th ultimo, together with a list of unsatisfied claims.

Respectfully submitted.

JOHN FORSYTH.

To the **PRESIDENT** of the *United States*.

## LIST.

- No. 1. Mr. Ellis to Mr. Forsyth, December 6, 1836.
2. Mr. Burrough to Mr. Ellis, November 3, 1836.
3. The same to the same, November 5, 1836.
4. Captain Mervine to the Commandant of Vera Cruz, Nov. 2, 1836.
5. Mr. Burrough to the Captain of the Port of Vera Cruz, Nov. 3, 1836.
6. The Captain of the Port of Vera Cruz to Mr. Burrough, Nov. 4, 1836.
7. Translation of the same.
8. Mr. Burrough to Mr. Ellis, November 7, 1836.
9. Captain Mervine to Mr. Burrough, November 5, 1836.
10. The same to the Commandant at Vera Cruz, Nov. 3, 1836.
11. Midshipman Renshaw to Captain Mervine, Nov. 5, 1836.
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13. The same to the same, November 6, 1836.
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15. Mr. Burrough to Mr. Ellis, November 10, 1836.
16. Deposition of John Morrow.
17. Deposition of Deidrick Erdmann.
18. Deposition of William Gibbs.
19. Deposition of David Alexander Baird.
20. The Commandant of Vera Cruz to Mr. Burrough, November 7, 1836.
21. Translation of the same.
22. General Gomez to Mr. Burrough, November 8, 1836.
23. Translation of the same.
24. The Commandant of Vera Cruz to Mr. Burrough, November 8, 1836.
25. Translation of the same.
26. The Commandant of Vera Cruz to Mr. Burrough, November 8, 1836.
27. Translation of the same.
28. Mr. Burrough to the Commandant of Vera Cruz, November 8, 1836.
29. The Commandant of Vera Cruz to Captain Mervine, November 8, 1836.
30. Translation of the same.
31. Mr. Burrough to General Gomez, November 9, 1836.
32. The same to Mr. Ellis, November 12, 1836.
33. The same to the same, November 14, 1836.
34. Mr. Ellis to Mr. Burrough, November 15, 1836.
35. The same to Mr. Monasterio, November 16, 1836.
36. Mr. Burrough to Mr. Ellis, November 19, 1836.
37. The American seamen to Mr. Burrough, November 14, 1836.

- No. 38. The same to the same, November 19, 1836.  
39. Mr. Burrough to Mr. Ellis, November 24, 1836.  
40. The same to the same, November 26, 1836.  
41. The Commandant of Vera Cruz to Mr. Burrough, November 24, 1836.  
42. Translation of the same.  
43. Mr. Burrough to the Commandant of Vera Cruz, November 25, 1836.  
44. Mr. Monasterio to Mr. Ellis, December 2, 1836.  
45. Translation of the same.  
46. Mr. Tornel to Mr. Monasterio, November 29, 1836.  
47. Translation of the same.  
48. Mr. Ellis to Mr. Burrough, December 3, 1836.—*Extract.*  
49. Mr. Monasterio to Mr. Ellis, December 6, 1836.  
50. Translation of the same.  
51. Mr. Tornel to Mr. Monasterio, December 2, 1836.  
52. Translation of the same.  
53. Mr. Ellis to Mr. Forsyth, December 22, 1836.  
54. Mr. Monasterio to Mr. Ellis, November 15, 1836.  
55. Translation of the same.  
56. Mr. Ellis to Mr. Monasterio, December 7, 1836.  
57. The same to the same, December 22, 1836.  
58. The same to Mr. Forsyth, December 23, 1836.—*Extract.*  
59. The same to Mr. Monasterio, November 14, 1836.  
60. Mr. Monasterio to Mr. Ellis, November 17, 1836.  
61. Translation of the same.  
62. The same to the same, November 21, 1836.  
63. Translation of the same.  
64. The same to the same, November 30, 1836.  
65. Translation of the same.  
66. Mr. Monasterio to Mr. Ellis, December 13, 1836.  
67. Translation of the same.  
68. Mr. Tornel to Mr. Monasterio, December 6, 1836.  
69. Translation of the same.  
70. Mr. Ellis to Mr. Forsyth, December 27, 1836.  
71. Mr. Monasterio to Mr. Ellis, December 21, 1836.  
72. Translation of the same.  
73. The same to the same, December 24, 1836.  
74. Translation of the same.  
75. The same to the same, December 27, 1836.  
76. Translation of the same.  
77. The same to the same, December 27, 1836.  
78. Translation of the same.  
79. Mr. Burrough to Mr. Ellis, January 10, 1837.—*Extract.*  
80. Depositions of the American seamen imprisoned at Vera Cruz.  
81. List of claims.

No. 1.

(No. 40.)—*Mr. Ellis to Mr. Forsyth.*LEGATION OF THE UNITED STATES OF AMERICA,  
MEXICO, *December 6, 1836.*

SIR: I avail myself of the earliest opportunity to transmit to you copies of all the documents in relation to the seizure and imprisonment at Vera Cruz of eight seamen attached to the United States sloop of war Natchez, William Mervine, Esq., commander.

I have the honor to be, with great respect,  
Your very obedient servant,  
POWHATAN ELLIS.

HON. JOHN FORSYTH,  
*Secretary of State, Washington city.*

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No. 2.

*Mr. Burrough to Mr. Ellis.*CONSULATE UNITED STATES OF AMERICA,  
VERA CRUZ, *November 3, 1836.*

SIR: It devolves on me to announce to you the occurrence of an unpleasant affair between the United States ship Natchez and the authorities at this place.

At an early hour yesterday morning a boat from the United States ship Natchez, with eight men, under the charge of Midshipman Renshaw, arrived at the "muelle," bearing a letter from the commander to my address. In order to convey the letter to me, Mr. Renshaw left the boat for a few minutes, and in his absence the men found means to procure liquor, and soon became more or less inebriated, and a dispute in consequence arose between one of them and a fisherman, (as informed,) which resulted in a personal conflict, but which of the *two* was the offender I have not been able to learn. The guards stationed at the gate, perceiving what had taken place, rushed down and attacked the seamen, and at the point of the bayonet drove a part of them into the boat, leaving two upon the ground, who had received severe wounds in the contest.

The officer of the boat arrived soon after the combat commenced, and did all in his power to quell it; and in which he came nigh being struck with the bayonets of the soldiery; but even after the men were driven into their boats, muskets (it is said) were levelled at them, when the captain of the port, perceiving the intention of the soldiery to fire, ordered them to desist.

I was sent for, and found upon the "muelle," two seamen, weltering in blood, both badly wounded, and the other six in the boat, all more or less injured.

Mr. Renshaw now, addressing himself to me, remarked that the men were too much overcome with liquor to enable him to proceed to the

ship, the wind being high, and desired my advice as to the disposition of them. I replied that I thought he had better have them placed in the guard-house, where they could have medical advice, and remain till sober; and accordingly, at his instance, I requested the captain of the port to take charge of them, which he did, ordering the two that were most injured to the hospital.

On making a verbal demand for the men this day, the officers of Government refused to give them up. I consequently waited on the military commandant general, who urged that "the seamen had infringed the laws of the country by an assault on the soldiery, (although, as I believe, did but act in self-defence,) and must abide the penalty;" and would not consent that they should be liberated. I proceeded to the ship *Natchez*, and made known to the commander the facts which are now laid before you, and who will to-morrow make a formal demand of the seamen, at the same time assuring the authorities that if, on investigation, it be found that they should be the aggressors, exemplary punishment shall be inflicted, and if in case the authorities still persist in detaining them, he will proceed with all despatch to Pensacola, when the case will be submitted to Commodore Dallas.

I beg leave to observe that Rodriguez, the captain of the port, has taken a very proper and correct view of the subject, and considering it but the evil effects of liquor, did not think it necessary to arrest the crew of the boat on the occasion, nor were any objections made at the time to their embarking. The commandant general seems disposed to carry things to extremities, and has intimated that the men are liable to a sentence of "procedure," and which, it is feared, without timely intervention, may be the penalty inflicted.

I am of opinion that the men are not so much to blame as the authorities would wish to make it appear in the case.

I have the honor to be, sir,

Very respectfully, your obedient servant,  
M. BURROUGH.

Hon. POWHATAN ELLIS,  
*Chargé d'Affaires U. S. of America, Mexico.*

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No. 3.

*Mr. Burrough to Mr. Ellis.*

CONSULATE OF THE UNITED STATES OF AMERICA,  
VERA CRUZ, November 5, 1836.

SIR: The seamen belonging to the United States sloop of war *Natchez*, imprisoned by the authorities of the Mexican Government on the 2d instant, are still in a state of incarceration.

Enclosed I transmit copies of correspondence on the subject with the authorities of this city. The letter of Captain Mervine being at some length, I am unable to forward it by present conveyance. You shall have a copy of it at an early date.



At the hour of 8 o'clock this evening, I have received a letter from the military commandant general of the department of Vera Cruz, accompanying other letters to the address of Captain Mervine, acknowledging the receipt of our respective communications, and which he informs us shall receive early replies. In the mean time, I have reason to suspect that he expects advices from the capital, with which he has communicated in regard to the seamen in question.

On further investigation of the occurrence, I am the more satisfied that the American seamen were but little in error. I am engaged in taking the depositions of witnesses on the subject, copies of which shall be forwarded to the legation; and from all that I can learn, the seamen were not the assailants, but were barbarously attacked by the Mexican soldiery, and the fishermen of the country, and inhumanly treated by an overwhelming force, armed with loaded muskets and fixed bayonets; and I again repeat, that the generous, humane, and officer-like conduct of Mr. Rodriguez, the captain of the port, was their salvation. The arms were directed at the inebriated crew after they had reached their boat, and on whom they, the soldiery, doubtless would have fired, had the captain of the port's timely interference not prevented it at this crisis. In short, I wish it may be understood, and as I trust will be hereafter proven, that the soldiery of this Government were the offenders, and *not* the American seamen; the latter were attacked by the former, and who *only*, as it would appear, acted in self-defence. The poor fellows were put in stocks, and there kept for two days, since which have been removed to another part of the town, and probably at this time in heavy irons. I shall endeavor to ascertain to-morrow whether they are supplied with sufficient sustenance; but doubt if I shall be permitted to see them.

The proceedings of the military commandant general in this case are, as I am informed, condemned by both the civil and maritime authorities of Vera Cruz. I hope that you will be pleased to take such measures as are necessary for the release of our countrymen, all of whom are fine-looking able-bodied seamen, and whose lamentable situation at this time calls forth the sympathy of all foreigners at this place. Commandant General Vasquez is resolved (as it is stated) to detain the men, and try them by the laws of this country.

I am, sir, most respectfully,

Your obedient servant,

M. BURROUGH.

Hon. POWHATAN ELLIS,

*Chargé d'Affaires U. S. of America, Mexico.*

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No. 4.

*Captain Mervine to the Commandant of Vera Cruz.*

U. S. SHIP NATCHEZ, (OFF ISLAND SACRIFICIOS,)

November 2, 1836.

SIR: It has just been reported to me that an affray of a very unpleasant nature has this day occurred on the Key, at Vera Cruz, between a

party of Mexican soldiers and the crew of the boat belonging to the ship under my command, during a momentary absence of the officer in charge of said boat. I have therefore to express to your excellency my sincere regret at the occurrence, and to assure you that, if, upon inquiry, the provocation shall appear to have originated from the crew, the offenders shall receive merited punishment.

Very respectfully,

I have the honor to be,

Your excellency's obedient servant,

WM. MERVINE,

*Com'g U. S. sloop of war Natchez.*

To JOSE ALDANA, *Military Commandant*

*General of Marine Department of Vera Cruz.*

No. 5.

*Mr. Burrough to the Captain of the Port of Vera Cruz.*

CONSULATE OF THE U. S. OF AMERICA AT VERA CRUZ,

*November 3, 1836.*

SIR: I request that the boat's crew of the United States ship *Natchez*, consisting of eight men, and which, at the instance of the officer in command, was, on account of inebriety, yesterday placed under your charge, may now be liberated.

I have the honor to be, sir,

Very respectfully,

Your obedient servant,

M. BURROUGH.

To the CAPTAIN of the Port of Vera Cruz.

No. 6.

*The Captain of the Port of Vera Cruz to Mr. Burrough.*

CAPITANIA DE PUERTO DE VERA CRUZ.

No estando en mis atribuciones disponer de los marineros Americanos que fueron arrestados en la guardia principal por haber dispuesto de ellos el s̄r. comandante militar de esta plaza, puede V. dirigirse á dicho s̄r. su solicitud.

Lo que tengo el honor de decir, á V. en contestacion á su atento oficio de esta fecha.

Dios y libertad: Vera Cruz, Noviembre 4 de 1836.

MANUEL RODRIGUEZ.

Al CONSUL de los Estados Unidos de Norte America.

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No. 7.

*The Captain of the Port of Vera Cruz to Mr. Burrough.*

[TRANSLATION.]

CAPTAINCY OF THE PORT OF VERA CRUZ.

It not being within my attributes to dispose of the American seamen who were arrested by the principal guard, by reason of their having been transferred to the military commandant of this place, you should address your solicitation to the said commandant.

This I have the honor to say in reply to your polite official note of this date.

God and liberty. Vera Cruz, November 4, 1836.

MANUEL RODRIGUEZ.

*The Consul of the United States of North America.*

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No. 8.

*Mr. Burrough to Mr. Ellis.*

CONSULATE OF THE UNITED STATES OF AMERICA,

VERA CRUZ, November 7, 1836, at 9½ P. M.

SIR: You will receive, herewith, copies of correspondence, &c., in relation to the seamen of the United States ship Natchez, who still remain in prison.

No official reply has yet been received by the commander of the Natchez or myself from General Vasquez, to our respective communications of the 3d and 4th instant, demanding the liberation of said seamen.

I was called upon by the major of the plaza this evening, who desired that I would present myself before the fiscal, and give my declaration on the subject. I informed him that if he would address me an official note to that effect, I would reply to it, and declined complying with his verbal request, on the ground that I could not admit the authority of the Mexican Government to try the seamen in custody by their laws, inasmuch as they were individuals engaged in the public service of the United States, and amenable to the laws of our country, if guilty of offence. Under this feeling of a sense of propriety, I am unwilling to lend myself to the services of the Mexican Government in any manner that might bear with it an admission of the privilege of the military at this place to punish men in the service of our country—at the same time having observed that I had stated to General Vasquez, in letter covering communication of the commander of the Natchez, my views of the subject.

It is possible that my person may be outraged by the authorities for not complying with their wishes, and *very possible* that the next mail may convey to you intelligence of my incarceration with the American seamen, for not acceding to the demand made by the officer of the plaza of this city.

You will be pleased to advise me what course it is proper to pursue in this case, and whether I am obliged, by the laws of Mexico, or my own Government, to give a declaration under the circumstances detailed, without having received any reply from the commandant general, who, it appears to me, has no right to detain the seamen in question belonging to the United States navy.

Captain Mervine will sail on the 9th, as he informs me, whether the seamen are delivered up or still detained by the authorities.

No reply to my letters accompanying, requesting permit to visit the seamen, has yet been granted; and whether the poor fellows are living or dead I am unable to ascertain.

I intended to have sent by present conveyance the depositions of three persons respecting the affray upon the mole, but find myself too much fatigued and indisposed to give you copies; you shall have them by next mail. Suffice to say that these all go to prove that the *Mexican soldiery* were the aggressors, and *not* the American seamen.

I remain, truly and most respectfully,

Your obedient servant,

M. BURROUGH.

The Hon. POWHATAN ELLIS,  
*Chargé d'Affaires U. S. A., Mexico.*

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No. 9.

*Captain Mervine to Mr. Burrough.*

U. S. SLOOP OF WAR NATCHEZ, OFF ISLAND SACRIFICIOS,  
*near Vera Cruz, November 5, 1836.*

SIR: I have the honor to forward you, herewith, a copy of a communication I made to the commandant general of the marine department of Vera Cruz, relative to the late affray between a party of Mexican soldiers and citizens, and seamen belonging to this ship; also, a copy of another, with the same reference, to the commandant general of the military department; also, the duplicate of a statement of the circumstances of the affray as witnessed by the officer in charge of said seamen: all of which you will make such use of as circumstances may in your judgment require.

I likewise transmit you the names and grade of the men concerned in the affair, and who are now in confinement by the Government authorities at Vera Cruz, viz:

Henry Habest, Samuel Moulden, Samuel Long, Thomas Davis, Richard Freeman, James Hoover, Nathaniel Groves, John Williams—all seamen.

Very respectfully,

Your obedient servant,

WM. MERVINE,

*Commanding U. S. sloop of war Natchez.*

To M. BURROUGH, Esq.,

*U. S. Consul at Vera Cruz, Mexico.*



No. 10.

*Captain Mervine to the Commandant of Vera Cruz.*

U. S. SLOOP OF WAR NATCHEZ, OFF ISLAND SACRIFICIOS,  
near Vera Cruz, November 3, 1836.

SIR: Immediately upon receiving intelligence of the affray which yesterday occurred on the quay at Vera Cruz, between a party of Mexican soldiers and citizens on the one side, and the crew of a boat belonging to this ship on the other, I addressed a communication to one of the departments of the police of the city, expressive of my profound regret at the unfortunate occurrence, and assuring him that if, on inquiry, the provocation should appear to have originated from the American seamen, the offenders should receive condign punishment. Not being acquainted with the limits of jurisdiction prescribed to the different departments of the said police, I addressed myself to the commandant general of the marine, who, I have subsequently learned, has not legal cognizance of the affair; and I have had the mortification to see the communication, for this simple fact, returned unnoticed.

Having been advised that your excellency is the proper functionary to be addressed on this occasion, I now repeat my sincere regret at an incident of so unpleasant a nature, and my assurance that I am prepared to take the necessary measures to ensure a punishment proportionate to the degree of culpability, if any shall be found attaching to the seamen.

The United States consul informs me that the said note was submitted to your perusal, but that you refused to take official notice of it because it was addressed to another officer, and that you assured him it was determined to detain the seamen for trial for violating the laws of Mexico, and further efforts for their release, on his or my part, would be ineffectual; notwithstanding which, I have deemed it imperative on me to officially address your excellency on the subject, in order that I might leave no proper means unemployed for preserving the harmony of the two Governments, which I believe would be endangered if the course you contemplate were persisted in. I could not have anticipated that the affair, though extremely unpleasant in itself, would be magnified into the importance which it appears to have acquired; nor could I have deemed it material to which of the departments my letter might be directed, as the attending circumstances were regarded as of a nature to dispose the reflecting on both sides to accept the slightest apologies, and forget the disgraceful proceeding in renewed assurances of good feeling and a cordial good understanding. It was not supposed to have arisen from national prejudice, but from the impulse of passion in the parties concerned. It occurred during the momentary absence of the officer of the boat; the seamen at last were somewhat excited by a too free indulgence in ardent spirits, and were, therefore, the more deserving of forbearance from those not predisposed to quarrel. The immediate occasion of it was some abusive epithets interchanged between one of the seamen and a citizen, which resulted in a rencontre between them, inducing others to engage in the mutual assistance of their friends.

These, as it has been represented to me, and as I sincerely believe

will appear upon an impartial investigation, are substantially the facts involving the culpability of the seamen. Judge, then, of my surprise, not to say indignation, on learning, by the return of the boat sent to bring off the seamen, that they had been put not only in duress, but in stocks, and are to be arraigned before a foreign tribunal, not simply for a misdemeanor, but as felons, and that your excellency intimated the probable result would be conviction and sentence to the "ball and chain," and six years' employment in sweeping the streets of Vera Cruz. I appeal to your sense of justice, what is there in the circumstances detailed above to justify their close and humiliating confinement, and much less the extreme severity contemplated against them?

But there are some other features of the case which should induce the authorities at Vera Cruz to avoid a course of procedure calculated to give extensive publicity to or perpetuate the memory of the affair.

Let it be recollected that these men were only eight in number; one or two of them remained inactive; all were entirely unarmed with any thing like offensive weapons, having but two boat-hooks among them; that, opposed to them, were twice or three times their number, variously armed—some with cutlasses, others with muskets with fixed bayonets, and others still with fragments of stone, which were liberally plied; that these dangerous weapons were freely used, as the number and severity of the wounds given by them will testify. No officer of the guard interposed to prevent violence, and an officer did supply the soldiers with ball-cartridges, with which the muskets were actually charged; and thus charged, were deliberately levelled at their opponents, now inoffensive—some lying on the ground, stupified by wounds; the rest, a part maimed, driven by overwhelming numbers and deadly arms into the boat, and even in this predicament must have been massacred but for the humane and energetic interposition of the captain of the port, who arrived at the critical moment when the muskets were on the point of being discharged: and then, in view of these facts, and the part enacted by the seamen, (as already described,) decide whether this be not an occasion for mutual sorrow, reciprocal charity, and forgetfulness.

This was my impression from the first, and the letter, above referred to, was adapted accordingly; and it is with great pain that I find myself unavoidably drawn into these details. I therefore feel myself constrained to solemnly protest against the detention of these men—as not to be justified by the circumstances of the case; as an act of ill-faith, inasmuch as they are not in custody from a formal arrest; for they were delivered to the police by the officer of the boat and the United States consul, for the prevention of further outrages on either side, and for safe-keeping till they could be returned to the ship—themselves being too much disabled to manage the boat in the rough state of the sea; as a want of comity toward a nation allied to the Mexican Government by a treaty of friendship and cordial intercourse. I also protest against their being tried by the laws of Mexico, as not being amenable to them; for they are a part of the United States naval force, which Government is responsible for their conduct. Have they violated the laws of Mexico, or outraged the property or persons of her citizens, prompt satisfaction will be given upon suitable representation, and adequate punishment will be visited upon the offenders.

But we have seen that it is a case requiring a very different course of procedure on your part : the offence is mutual, trivial, (but disagreeable,) and should, therefore, be mutually regretted and forgotten.

In conclusion, I demand their immediate liberation. Do not, sir, by refusal, accumulate another upon the already too numerous causes of dissatisfaction between the two Governments.

Very respectfully,

I have the honor to be,

Your obedient servant,

WILLIAM MERVINE,

Com'g U. S. sloop of war *Natchez*.

To his Exc'y the MILITARY COMMANDANT GENERAL

of the Department of Vera Cruz, Mexico.

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No 11.

*Midshipman Renshaw to Captain Mervine.*

U. S. SHIP NATCHEZ, OFF ISLAND OF SACRIFICIOS,

November 5, 1836.

SIR: In compliance with your order requiring an account of the following facts, I have to inform you that, about 9 o'clock, A. M., of the 2d instant, I received orders to proceed to Vera Cruz, in charge of the third cutter, having on board eight men and two officers, (stewards,) to execute certain commissions with which I had been charged. The officer in the 4th cutter, in whose care I had been directed to deliver the men, had already left the mole some time, and I, therefore, considered it my duty, notwithstanding, to perform the other part of my orders, and proceed to the consul's, after having placed the men in charge of the coxswain, whose authority they were bound to obey.

During my temporary absence the men obtained liquor, and I hastened back with all despatch, hearing that a rencontre had taken place between them and the people on the key. On my arrival I discovered a serious affray between our sailors and the military guard, who I observed were being supplied with cartridges by a person apparently an officer. Several of the boat's crew were seriously injured, one supposed to be dead. My utmost exertions, assisted by the consul and other of our officers, who in the mean time had arrived on the spot, were not immediately effectual in reducing the men to authority, or in satisfying the soldiery, who were committing much uncalled for violence; in fact, they appeared instigated by private feelings of revenge more than a sense of duty. The situation of the crew being such as to render it very dangerous to leave the mole in the boat, (a very heavy sea running at the time,) I, therefore, requested the captain of the port, agreeably to the advice of the consul, to have the men taken care of until called for, and they were accordingly placed in *temporary confinement for safe-keeping*.

I deem it proper to add, that, during the disturbance, the scabbard of my sword was accidentally lost overboard, and not wishing to carry it

about me drawn, one was loaned me by one of our officers, and mine handed to the consul, to prevent any misconstruction. This occasioned an erroneous report to be circulated that our consul carried about a drawn sword for purposes of violence—a report which respectable Americans and foreigners, and the captain of the port, who was present, and acted in a manner highly creditable throughout, can and will no doubt altogether contradict.

Very respectfully,  
Yor obedient servant,

FRANCIS B. RENSHAW,  
*Passed Midshipman, U. S. Navy.*

To Master Comdt. WM. MERVINE.

No. 12.

*Mr. Burrough to the Commandant of Vera Cruz.*

CONSULATE OF THE UNITED STATES OF AMERICA,  
*Vera Cruz, November 4, 1836.*

SIR: I have the honor to lay before you an open letter to your address, which the commander of the United States ship Natchez has desired may be transmitted through this consulate.

It will be perceived that the commander of the above ship demands the liberation of eight men, constituting a boat's crew belonging to this vessel, who have been imprisoned and still detained in this city, and begs to assure you that, on an investigation of the charges preferred, should they appear to have been the aggressors in the case, exemplary punishment shall be inflicted.

The said commander protests against the detention of the seamen, against their trial by the military or judiciary authorities of the Mexican Government, and in which, in my official capacity also unite with him, and request that the said seamen may be forthwith set at liberty, agreeably to the requisition of the aforesaid commander.

I have the honor to be, sir,

With the assurance of my personal respects,

Your obedent servant,

M. BURROUGH.

To CIRIACO VASQUEZ, Esq.,

*Military Commandant General of the Department of Vera Cruz.*

No. 13.

*Mr. Burrough to the Commandant of Vera Cruz.*

CONSULATE OF THE UNITED STATES OF AMERICA,  
*Vera Cruz, November 6, 1836.*

SIR: Being desirous of an interview with my countrymen, the eight seamen belonging to the United States ship Natchez, detained in this



city, I request you will be pleased to inform me where they are to be found, and grant the necessary order for me to see them.

I have the honor to be, sir,

Most respectfully,

Your obedient servant,

M. BURROUGH.

To CIRIACO VASQUEZ,

*Military Commandant General of the Department of Vera Cruz.*

No. 14.

*Mr. Burrough to the Commandant at Vera Cruz.*

CONSULATE OF THE UNITED STATES OF AMERICA,

VERA CRUZ, November 7, 1836, at 5 P. M.

SIR: I yesterday had the honor to address you a note, by which, as consul of the United States, and guardian of the rights and liberties of my countrymen, I expressed a desire to be informed where the eight men belonging to the United States ship Natchez, at this time detained by the authorities of the Mexican Government, were to be found, and requested that you would be pleased to grant the necessary order for me to see them.

To my communication referred to, no reply has yet been received. I therefore repeat my request, and beg that you will inform me where my countrymen are at this time imprisoned, and desire that you will grant the necessary permit to enable me to visit them, and, if circumstances render it necessary, to administer to their comfort.

I have the honor to be, sir,

Respectfully,

Your obedient servant,

M. BURROUGH.

To CIRIACO VASQUEZ,

*Military Commandant General of the Department of Vera Cruz.*

No. 15.

*Mr. Burrough to Mr. Ellis.*

CONSULATE OF THE UNITED STATES OF AMERICA,

VERA CRUZ, November 10, 1836.

SIR: Accompanying, I have the honor to transmit the depositions referred to in my last; also, additional correspondence on the subject-matter of my late communications to the legation, among which you may perhaps discover one or more duplicates of letters already forwarded.

The American seamen are still in custody of the authorities of this

city, and whom I have not yet been permitted to visit, although I have made three applications to the military commandant to that effect, as you will perceive by copies of letters now forwarded, and whether the poor fellows are really dead or alive, I am unable to ascertain.

I am informed that an American citizen, who has been engaged in the service of the Mexican Government, (probably impressed into the service,) actuated by feelings of humanity towards his countrymen, went to the guard-house, some days since, in order to gain an interview with the said American seamen, who was ordered away, and, not leaving the spot at once, was shot down by the sentry. Under such circumstances, I am unwilling to hazard a visit to the prison, without "permit" in writing from the military commandant general, or under the protection of an officer.

The seamen not being delivered up, as Captain Mervine hoped would have been the case, after a detention of eight days, he accordingly left this morning at an early hour. He will touch at Tampico, and proceed thence immediately to Pensacola, where all the facts attendant on the imprisonment of his seamen will be laid before Commodore Dallas.

When the said men are given up, if at all, I shall take their declarations as to the facts connected with their detention, prison treatment, &c., and place them in lodgings more agreeable to them than those they are at present subjected to, and deliver them over to the first commander of any of our vessels of war visiting at Vera Cruz.

General Castro assumed the command at this place last evening, in place of General Vasquez, but not without some feeling of dissatisfaction manifested (as informed) on the part of the late incumbent; no blood, however, was shed on the occasion. It may, as I apprehend *will be*, said by the Mexican Government, that General Vasquez has been superseded from grievances represented by yourself to the authorities, which I have no reason to believe is the fact. The military, and some of the leading civilians, made a representation of the state of affairs at this place, some days before the late occurrence, in regard to our claims, to the supreme Government; and, in consequence of *that*, he has been removed.

The present commandant of this plaza, you will bear in mind, is the individual who was in command at Tampico, when *twenty-nine* foreigners were shot some months since, and the same who was at *your* instance removed for aggressions on officers of the United States navy at that port.

I shall endeavor to keep you advised, if my functions of office are not interrupted by the authorities of this place, of all that transpires in respect to the American seamen, and other matters of national interest; and, in the mean time, hope to be favored with the necessary instructions from you, in regard to said seamen.

I have the honor to be,

Most respectfully,

Your obedient servant,

M. BURROUGH.

The honorable POWHATAN ELLIS,

*Chargé d'Affaires U. S. A., Mexico.*

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No. 16.

*Deposition of John Morrow.*

CONSULATE OF THE U. STATES OF AMERICA,  
*At Vera Cruz, Mexico.*

This fourth day of November, in the year of our Lord one thousand eight hundred and thirty-six, before me, M. Burrough, consul of the United States of America at Vera Cruz, being cited, John Morrow, a native of Liverpool, aged fifteen, personally appeared, who, being duly and solemnly sworn on the Holy Evangels of Almighty God, did depose, declare, and say, that, on the morning of the 2d instant, he happened to be on the beach near the "muelle" of this city, when his attention was called to a personal conflict which had taken place between a black man, (a fisherman,) and a sailor from the boat of the United States ship Natchez, and, whilst looking on, saw a soldier with a broadsword in his hand, come up to the combatants and strike the American seaman with his sword. The sailor retreated towards the boat, which was lying alongside the mole, followed by the soldier, and who was constantly striking him till he reached the edge of the water. Another sailor of the boat was standing near, to whom the people of the country called the notice of the soldier, and whom he also struck several times with the broad part of his sword. The first-mentioned sailor having gained his boat, returned with the boat-hook and faced the soldier with it, who, he believes, had a musket in his hand. Two other soldiers now came down with muskets. Deponent, apprehending his own personal security, left the mole.

In testimony whereof, the said deponent hath set his hand the day and year first above written.

JOHN MORROW.

Done and subscribed before me,

M. BURROUGH, C. U. S.

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No. 17.

*Deposition of Deidrick Erdmann.*

CONSULATE OF THE U. STATES OF AMERICA,  
*At Vera Cruz.*

This fifth day of November, in the year of our Lord one thousand eight hundred and thirty-six, personally appeared Deidrick Erdmann, a native of Germany, aged 31 years, a resident of the city of Tampico, who being duly and solemnly sworn on the Holy Evangels of Almighty God, did depose, declare, and say, as follows: At about 12 o'clock on the morning of the 2d instant, proceeded to the "muelle" of this place, where he saw three or four seamen, (supposed to be American seamen belonging to the United States ship Natchez,) standing on the north side

of the muelle or mole, all apparently more or less under the influence of liquor, and near to them upon the beach were as many as seven or eight native Mexicans, (fishermen.) The parties were wrangling with each other. Deponent apprehending the consequences, being aware of the excitement and feeling at this time against the American people, (citizens of the United States,) left the mole in search of the officer of the boat, who had proceeded to the office of the American consul on business, as he was informed. On passing through the gate at the mole, and when near the corner of the street leading to the plaza, met three sailors and two stewards, belonging also to the United States ship *Natchez*, to whom he communicated what was going on with their shipmates; and not meeting at once with the officer of the boat, returned to the mole, and perceived a soldier using his exertions to get one of the seamen back to the boat, and which was lying on the south side of the mole some yards distant. The soldier was pushing the seaman towards the mole, the latter moving backwards. At this time a sailor that was standing in the boat held up the boat-hook and called to the other "to take it." The latter now turned, and moving rapidly to the boat, took the boat-hook in order to defend himself. The soldier now cried out to arms, (a las armas,) when he and three or four other soldiers of the guard ran to the guard-house and returned with their muskets. The seamen were now assembled near their boat, who, perceiving the approach of the soldiery with muskets in hand and fixed bayonets, advanced towards them, and when within a few feet of each other, and near the centre of the mole, saw a native pick up a stone or fragment of rock, of the weight of 8 or 10 pounds, which was thrown at the American sailor having the boat-hook in his hand. At the same moment that the stone was thrown, the sailor cast his boat-hook towards one of the soldiers who had his musket pointed at him. The hook was parried by the soldier and struck none of the assailants, but the seaman was knocked down and badly cut about the face with the stone, and who was for some time supposed by deponent to be dead, blood having flowed freely. In the course of the affray another seaman was maimed and brought to the ground, but in what manner deponent did not see. Saw him lying near the edge of the mole apparently much hurt.

The soldiery continuing to use forcible measures against the American seamen, with the intention of driving them into their boat, deponent left the mole, in order to convey the intelligence of what was going on to the American consul, and which he did. On returning to the scene of bloodshed, accompanied by the American consul, saw the two seamen which had been, as before mentioned, badly wounded, still lying in the same position. The rest of the boat's crew were in the boat, under the charge of the officer, and around which stood several soldiers with arms, apparently much excited, besides a numerous assemblage of persons, comprising civilians and others of the country, among which were also observed some foreigners. Further deponent knoweth nothing material in relation to this subject.

In testimony whereof he hath hereunto set his hand at the city of Vera Cruz, the day and year first above written.

DEIDRICK ERDMANN.

Sworn and subscribed before me,

M. BURROUGH, C. U. S.

*Deposition of William Gibbs.*

CONSULATE OF THE UNITED STATES OF AMERICA,  
*At Vera Cruz, Mexico.*

This sixth day of November, one thousand eight hundred and thirty-six, before me, M. Burrough, consul of the United States of America at Vera Cruz, being cited, William Gibbs, a native of the United States, aged 38 years, serving in the capacity of captain's steward on board the United States ship Natchez, under the command of William Mervine, Esq., who, being duly and solemnly sworn, did depose, declare, and say, that, on the morning of the 2d instant, left the ship to which he is attached in her third cutter, manned with eight men, under the charge of Midshipman Renshaw, and proceeded to the mole at this city. On arriving, left immediately for the market, in order to purchase certain articles for ship's use; returned in a short time to the boat, at which period all was quiet. Again departed on duty; and, in a few minutes, was again on the mole; and who on arrival saw a Mexican soldier with a cutlass in his hand, standing near the gate opening upon the mole, engaged in a quarrel with Nathaniel Groves, one of the seamen of the boat's crew of the United States ship Natchez, aforesaid. The soldier stood with his cutlass raised over the head of the said seaman, menacing him. The mariner being overcome with liquor, deponent stepped in between the parties, with the view of preventing any personal violence, and led the seaman away, imploring, at the same time, by pacific gestures, (being unable to speak the language,) "not to strike the poor fellow," who stated that the soldier had twice struck him with his cutlass. Perceiving that the Mexican soldiery were collecting in considerable numbers, and resolved, apparently, to beat and abuse the boat's crew, if not carry things to greater extremities, he succeeded in getting seven of them into the boat.

Deponent now sat out in search of the officer of the boat, and to whom he communicated and made known what had taken place, and who immediately hastened to the mole. Deponent also again returned, and by which time as many as ten or twelve Mexican soldiers with muskets and fixed bayonets, and cutlasses, had assembled; and likewise, twenty or thirty people of the country, (fisherman and laborers,) who were engaged in throwing stones and other missiles at the boat's crew, who had now regained the mole, to the rescue of their shipmate Groves.

The Mexican soldiery both bayoneted and struck the American seamen repeatedly with their cutlasses, and so continued to inflict their blows till all were driven into their boats except two, which had been brought to the ground in the conflict, and who were so badly wounded as not to be able to reach the boat.

Deponent doth furthermore declare, and say, that he saw an officer of the Mexican Government bring down cartridges to the soldiers, with which they loaded their muskets and levelled them at the boat's crew, now in the boat, under charge of Mr. Renshaw, but who were prevented from firing by a person which he was informed was the captain of the port.

The officer in command of the seamen finding that they were too much in liquor, besides being badly hurt, to enable him to proceed to the ship, the wind being high, ordered deponent to assist in conveying them to the guard-house, near the mole, which he did, and where he understood they were to be left in charge of the captain of the port till sober.

In testimony whereof, he, the said deponent, hath hereunto set his hand, the day and year of our Lord first above written.

WILLIAM GIBBS, his + mark.

Sworn and subscribed before me,

M. BURROUGH,

*Consul of the United States.*

### No. 19.

#### *Deposition of David Alexander Baird.*

CONSULATE OF THE UNITED STATES OF AMERICA,

*At Vera Cruz, Mexico.*

This eighth day of November, in the year of our Lord one thousand eight hundred and thirty-six, before me, M. Burrough, consul of the United States of America at Vera Cruz, being cited, David Alexander Baird, a native of England, aged 30 years, of late a resident of Mexico, who, being duly and solemnly sworn on the Holy Evangelists of Almighty God, did depose, declare, and say, as follows: that he, at present, is lodging in the house of Fulton and Bell, proprietors of a hotel in this place, at which was on the morning of the 2d instant, between the hours of eleven and twelve o'clock, informed that some difference had taken place betwixt a party of Mexican soldiers and the boat's crew of the United States ship Natchez, and that the Mexican soldiery were murdering the American seamen at the mole.

Deponent, in company with Midshipman Skipwith, belonging to the United States ship Natchez, immediately hastened to the scene of action; and, on arriving, saw two American seamen lying upon the mole, one of which he supposed to be dead—both lying covered with blood. Six other seamen belonging to the United States ship Natchez were in the boat alongside of the mole, and upon the mole immediately overlooking the said boat, were as many as ten or twelve Mexican soldiers engaged at this time in loading their muskets with ball-cartridges, and whose intention, deponent verily believes, was to fire upon the American seamen, and at whom the deadly weapons were actually twice levelled. The men being unarmed, and all, with the exception of one (who was protecting the boat from injury against the mole) were lying or sitting down perfectly quiet, being stupified by wounds and the effects of ardent spirits.

Deponent, at the request of the officer of the boat, went in search of the master of the American ship Mexican, on board of which it was proposed to place the boat's crew of the Natchez until sober. In a few moments deponent was again upon the mole, having returned in compa-

ny with Captain Kimball, of the aforesaid ship Mexican, and now discovered that the two seamen, one of which was supposed to be dead and had been lying upon the ground for some time, had received serious wounds; one having his upper lip and cheek laid open to the extent of two and a half to three inches, and the other badly hurt in the leg, upon or near the knee joint of the left limb. Deponent observing an altercation between [a soldier and] one of these individuals, who had now attained his feet, though much weakened and overcome by the loss of blood, went to him, the said seaman, in order to convey and assist him to the boat, when his interference was resented by the soldier, who, using a familiar and abusive epithet, made a pass at him with his musket, with bayonet attached. Deponent conceiving that his own personal life was in danger by being upon the mole accordingly left it.

In testimony whereof he hath hereunto set his hand, at the city of Vera Cruz, aforesaid, the day and year first above written.

DAVID ALEXANDER BAIRD.

Sworn and subscribed before me,

M. BURROUGH.

No. 20.

*The Commandant of Vera Cruz to Mr. Burrough.*

VERA CRUZ, Nov. 7 de 1836, las diez de la noche.

MUY SEÑOR MIO: Como dije á V. a las seis de latarde, al tener el honor de contestar su apreciable carta de ayer, y ahora repito contestando la que acabo de recibir fecha de hoy, que no siendo de mis resurtes, resolvéz las solicitudes á que se contrahen las dos citados cartas, al Sr. General Gomez, comandante de la plaza, es á quien toca mandar lo necesario á su efecto, y á quien tendra V. la dignacion de ocurrir reproduciendolos.

Con tal motivo Sr. Consul, le reitero las protestas, de mi sincera amistad con lo que soy su mas ato. y sego. ser. Q. B. S. M.

CIRIACO VASQUEZ.

Sr. Consul de los Estados Unidos de America, Mr. BURROUGH.

No. 21.

*The Commandant of Vera Cruz to Mr. Burrough.*

[TRANSLATION.]

VERA CRUZ, November 7, 1836, 10 o'clock at night.

DEAR SIR: As I informed you at six o'clock this evening, when I had the honor to reply to your esteemed letter of yesterday, I now repeat, in answer to that received this day, that, it not being in my power to grant

the request contained in those two letters, as General Gomez, the commandant of the place, is the functionary empowered to give the necessary orders respecting them, you will be pleased to prefer your requests to him.

I repeat to you, Mr. Consul, the assurances of my sincere friendship, with which I remain your attentive and obedient servant,

CIRIACO VASQUEZ.

*The Consul of the United States of America, Mr. BURROUGH.*

No. 22.

*General Gomez to Mr. Burrough.*

COMANDANCIA DE LA PLAZA DE VERA CRUZ.

Con arreglo á lo que tienen determinado las leyes que vigen en la Republica Mexicana, mandé á V. en esta mañana un recado politico, por medio de mi ayudante, citandolo para que concurriese á mi alojamiento á las diez del dia de mañana, con el objetó de que, ante el fiscal respectivo, de su declaracion judicial en una causa que se instruye, y en que apare citado como testigo V. Obsequiando las citadas leyes á que está sujeto debió cumplimentar mi recado sin necesidad de pedir como lo hiro de que la cita se le hiciese por escrito ; mas sin embargo, en obsequio de la mas pronta y recta administracion de justicia la reitero por medio de esta nota, que se sirva comparecer en mi alojamiento, á las diez del dia de mañana, con el fin mencionado. Ofresco á V. mi consideracion y aprecio.

Dios y libertad. Vera Cruz, Nove. 8 de 1836.

GREGORIO GOMEZ.

SR. CONSUL de los Estados Unidos del Norte de America.

No. 23.

*General Gomez to Mr. Burrough.*

[TRANSLATION.]

COMMANDANCY OF THE PLACE OF VERA CRUZ.

Agreeably to the provisions of laws in force in the Mexican republic, I sent to you this morning, by my adjutant, a polite message, summoning you to appear at my quarters at 10 o'clock to-morrow morning, in order to give your testimony before the proper *fiscal*, in a prosecution which has been instituted, and in which you were cited as a witness. Conformably with those laws to which you, sir, are subject, you should have complied with my request, without requiring, as you have, that the summons should be given in writing. However, in order that justice may be administered as promptly and equitably as possible, I repeat to you, by means of this note, my request that you will be pleased to present yourself at my



quarters at 10 o'clock to-morrow morning, for the purpose above stated. I offer you the assurance of my consideration and esteem.

God and liberty. Vera Cruz, November 8, 1836.

GREGORIO GOMEZ.

The CONSUL of the United States of North America.

No. 24.

*The Commandant of Vera Cruz to Mr. Burrough.*

VERA CRUZ, Nove. 8 de 1836.

MUY SENOR MIO: Como ofrecé a V. en mi carta de 5 del actual, al avisarle recibo de la comunicacion del Comandante de la Corbeta de los E. Unidos *Natchez*, que me remitió V. con la suya del 4 anterior, tengo la satisfaccion de contestarla, manifestandole que impuesto de que su solitudine particular está concebida en perfecta consonancia con la del citado Comandante, y que asimismo tambien V. pretende la entrega y libertad de ochos marineros que componian la tripulacion, de un bote perteneciente á dicho buque, protestando al mismo tiempo contra procedimientos judiciales á que estan sometidos, entretanto se esclarecen los motivos que han dado lugar á su clausura; noda pues tengo que añadir, á lo que hoy digo, al comandante de la *Natchez*, en la adjunta respuesta, que por conducto de ese Consulado tengo el honor de dirigirle, esperando que V. se servira instruirse de su contenida tenerla toda por suya en contestacion, darle en seguida, y aceptar á la vez la seguridad de mi sincera estimacion, con la que mi repito de V. Sr. Consul su muy obste. ser. que ato. B. S. M.

CIRIACO VASQUEZ.

Sr. Consul de los Estados Unidos de America, Mr. BURROUGH.

No. 25.

*The Commandant of Vera Cruz to Mr. Burrough.*

[TRANSLATION.]

VERA CRUZ, November 8, 1836.

DEAR SIR: As promised in my letter of the 5th instant, acknowledging the receipt of a communication from the commander of the United States sloop of war *Natchez*, which was remitted to me through you with your own of the 4th preceding, I have now the satisfaction to reply to it by stating that, it being evident your request was conceived in perfect consonance with that of the commander aforesaid, and that you also pretend to demand the delivery and release of eight marineros who composed the crew of a boat belonging to the said vessel, protesting at the same time against the judicial proceedings to which they were submitted, in order to bring to light the motives which have given rise to their imprisonment;

I have consequently nothing to add further than what I have this day said to the commander of the Natchez in the enclosed answer, which, through the medium of your consulate, I have the honor to address to him, hoping that you will be pleased to inform him of its contents, considering the same as a reply to your own, and accepting at the same time the assurance of the sincere esteem which I repeat to you, Mr. Consul, as

Your very obedient and attentive servant,

CIRIACO VASQUEZ.

*The Consul of the United States of America, Mr. BURROUGH.*

No. 26.

*The Commandant of Vera Cruz to Mr. Burrough.*

VERA CRUZ, 8 de Noviembre de 1836.

MUY SEÑOR MIO: La tengo á V. manifestado por mis ultimas dos cartas del 6 y 7 del actual, y ahora vuelvo á manifestarle, en contestacion á su estimable de esta fecha, que al Sor. General Gomez, como comandante de la plaza, es á quien debe V. de ocurrir con sus instancias, ya sea para saber el punto donde estan presos sus paisanos los ocho marineros de la corbeta de guerra Natchez, o ya para comunicarse con ellos como tambien deséa.

Esto supuesto, y si V. no obstante de la franca y terminante contestacion que he dado á sus dos primeras cartas, y doy á su tercera de que me ocupo, insistió en que yo sea el que se las otorgue, tendré siempre el sentimiento de negarselas, para que no puedo invadir las atribuciones de otra autoridad aun cuando sea defendiente de la mia, que es la superior en el Departamento.

Desista V. pues de un empeno, que no puede producir sino embarazos á sus objetos nobles, y en los cuales siento no complacerlo, persuadido de que el Sor. Gomez atendera sus instancias ó questiones, conforme lo ec-sijan sus deberes, para con la nacion y para con V. como consul de los Estados Unidos del Norte de America.

Esta ocasion me vuelve a proporcionar la satisfaccion de reproducir á V. las sinceras protestas con que soy su muy atento servidor que B. S. M.

CIRIACO VASQUEZ.

*Sor. Consul de los Estados de America, Mr. BURROUGH.*

No. 27.

*The Commandant of Vera Cruz to Mr. Burrough.*

[TRANSLATION.]

VERA CRUZ, November 8, 1836.

DEAR SIR: I have already declared, through my two last letters of the 6th and 7th, and now repeat, in reply to your favor of this date, that General Gomez, as commander of the plaza, is the person to whom you should resort with your instances, whether it be to know the place where

your countrymen, the eight mariners of the sloop of war Natchez, are imprisoned, or to communicate with them, as you also desire.

This fact being granted, if, notwithstanding the frank and unequivocal reply which I have already made to your two first letters, and am now engaged in making to the third, you still insist that I am the functionary to whom you should address your petitions, I shall be under the disagreeable necessity of refusing them, because I cannot invade the attributes of another authority, although he may be dependent upon mine, who am the superior of the department.

Desist then, sir, from an attempt which can be productive only of embarrassment to your noble objects, and in which I feel that you cannot but be pleased at being persuaded that Mr. Gomez will attend to your instances or question, conformably to his duties as prescribed towards the nation, and towards you, as consul of the United States of North America.

This occasion affords me another opportunity of renewing to you with pleasure the assurance of the sincere regard with which

I am your very obedient servant,

CIRIACO VASQUEZ.

*The Consul of the United States of America, Mr. BURROUGH.*

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No. 28.

*Mr. Burrough to the Commandant of Vera Cruz.*

CONSULATE OF THE UNITED STATES OF AMERICA,

*At Vera Cruz, November 8, 1836, at 10 o'clock, A. M.*

Sir: I have the honor of your note of yesterday's date, in reply to my respects of the 6th and 7th instant, referring me for satisfaction to Sor. General Gomez, commandant of the plaza, touching the subject-matter thereof.

Being persuaded that the eight seamen, constituting a part of the naval force of the United States of America, and attached to the United States sloop of war Natchez, under the command of master commandant Mervine, are, at this time, detained by your authority as military commandant general of the state of Vera Cruz, I accordingly addressed you as the only legitimate functionary by which I could be permitted an interview with the said seamen; but which you have not thought proper to grant.

I therefore, for the third and last time, from motives of humanity to the prisoners, address you on this subject, and, as consul of the United States of America for the port of Vera Cruz, request an early reply, informing me whether, or not, I can be permitted an interview with the aforesaid seamen, citizens of the United States.

I have the honor to be, sir,

Most respectfully,

Your obedient servant,

M. BURROUGH.

To CIRIACO VASQUEZ, Esq.,

*Military Commandant General*

*of the Department of Vera Cruz.*

*The Commandant of Vera Cruz to Captain Mervine.*

VERA CRUZ, Nov. 8 de 1836.

MUY SOR. MIO: Segun el contenido de lá apreciable de V. 3 del corriente, las noticias de la ocurriencia del 2 entre los marineros de un bote de la corbeta de su mando, y la guardia del muelle de este puerto, le fueron á V. transmitidos por algun apasionado, que no habiendo usado de veracidad, ha hecho concebir á V. el concepto, de que dichos marineros no habian cometido un delito sino una falta leve, en que tambien se incidio de nuestra parte, y que aquellos fueron atacados con armas de fuego y blancos por la fuerza armada, y por la fraccion del pueblo que se ingerio en la contienda. Tan inexacta informe descubre la mala fé del que lo dio; pues es cosa publica y notoria, que los marineros hicieron resistencia y armas contra un soldado y un cabo de la guardia del muelle que en cumplimiento de su primera deber se dirigieron hacia ellos con el fin de hacerlos entrar en el orden; y la resistencia la hicieron en terminos tan energicos que para contenerlos fue necesario nuevo auxilio de tropa loqual, y no nadie del pueblo, concurrió con sus armas y con fuciles y sables que en todas partes usan los de su profession.

Y no lo descubre menos el hecho de asegurar á V. que dichos marineros iban á ser asesinados y que no fueron preso por la guardia del muelle, no se trato, de otracosa, como en efecto se consiguió bien que vesul tando contuso el cabo de la guardia, que de contener los citados marineros, que atacaban al orden y de hacerlos deponer la actitud hostil que guardaban armados de bicheros navajas, remos y trozos de leña; y nadie sino el oficial de la guardia, obrando por si y á instancias del Consul de la Nacion de V. fue quien los aprendio y pusó á disposicion de la autoridad competente, no á la de la policia como falsamente se ha informado á V. Rectificados los hechos del modo espuesto, conocera V. que este no es un asunto leve, de reciproca caridad y olvido, aunque sea de mutuo pesar; pues entre amigos, entre naciones aliadors por solemnes tratados de amistad y cordiales relaciones, siempre produce aquel sentimiento la perfetracion de atentados tan injustos y audacios como lo es el de los marineros de la corbeta del mando de V. Y conocera V. igualmente, que con su prision y enjuiciamento, no se falta á nadie, sino que se hace uso del derecho que tiene la nacion para castigar á los que la ofendien asi como incontestablemente lo tienen todas las del universo.

Pretende V. que la mia sea de peor condicion que las demas, y no tengo ese derecho que emenia de el, de su seguridad y soberania; para la cual y para asentar que nadie puede castigar á los individuos del buque de su actual mando, es preciso no atender absolutamente al codigo de las naciones. Tal inmunidad seria subversiva del orden social, y propia para tener al mundo in continua guerra. Recuerde V. los principios y doctrinas de aquel codigo universal, y se convincera ó conocerá la legalidad de la jurisdiccion de las naciones, para castigar á los que las injuriar y ofendan. Y aunque asi no estu viera determinado por el esa jurisdiccion, quedará incuestionablemente en la mia, por el derecho de retorcion; pues en los Estados Unidos de America, se han juzgado y sen-

tenciado individuos pertenecientes á la armada naval, y al ejercito de esta Republica, sin que al usarlo, se de motiva de queja por aquel principio de que, lo que una nacion micia como justo para si, debe parerse le lo mismo para otra.

Los marineros de la corbeta del mando de V. al atacar injustamente y herir á los individuos del cuerpo de guardia del muelle, que marchaban á hacerlos entrar en el orden de que habiar salido por su altareria ó embriaguez, han incidido en un crimen grave segun nuestras leyes. Estan juzgado por la autoridad competente, como que sin embargo de lo que dice V. es inconcusa la jurisdiccion de la nacion: y mientras no termine ese juicio, tengo el sentimiento de no poderlos consignar lisa y llenamente á V. segun mipide, aunque confio en la sinceridad de la promesa de su castigo, si los hallara delincuentes; pues segun las leyes de esta Republica, en sui no reside, ni la facultad de conceder indultos, ni la dispensar el cumplimiento de aquellos, sino por el contrario la de aplicalas á los casos que ocurren.

Si como V. asegura, existen numerosas causas de desagrado entre ambos Gobiernos, el enjuiciamiento de los referidos marineros, contra que insiste V. fundado en falsos informes y equivocac doctrinas, no puede servir de pabulo á ese desagrado, ni aun cuando se solieitaran para ello protestas, por que el Gobierno de V. es demasiado ilustrado, para que ignore lo que es la jurisdiccion de las naciones, y que estas á nadie ofendan cuando hacen uso de sus derechos perfectos; por lo mismo, mi lisongeo de que ese acto justo y arreglado no será de la sensible y sombria influencia que V. animado sin duda de la mas sincera cordialidad, mi insinua con repeticion; que dandome la pena de no haber podido obsequiar sus deseos, relativos á la entrega de los referidos marineros.

Tengo la satisfaccion con tal motivo de ofrecer á V. toda mi consideracion, como su mas affo. amigo y ato. ser. Q. B. J. M.

CIRIACO VASQUEZ.

Sr. COMANDANTE de la Corbeta de guerra  
de los Estados Unidos del Norte America Natchez.

No. 30,

*The Commandant of Vera Cruz to Captain Mervine.*

[TRANSLATION.]

VERA CRUZ, November 8, 1836.

DEAR SIR: From the tenor of your esteemed favor of the 3d instant, it is manifest, the information given to you in relation to the occurrence of the 2d, between the seamen of a boat belonging to the corvette under your command and the guard of the mole at this port, was communicated by some passionate person, who, not having spoken with veracity, has caused you to believe that the said seamen have not committed a crime, but a trifling fault, to which we had on our part contributed; and that they were attacked with fire-arms and swords by the armed force,

and a portion of the inhabitants of the place who joined in the contest. Such inexact information betrays the bad faith of him who gave it; since it is public and notorious that the seamen made an armed resistance against a soldier and corporal of the guard of the mole, who, in compliance with their first duty, hastened towards the seamen with the view of reducing them to order; but the energetic resistance which they made rendered it necessary, in order to quiet them, to call for additional troops, who alone (and none of the inhabitants) met them with arms—which were muskets and swords, the same as are used by men of their profession in all parts. Nor is this bad faith the less betrayed by the fact of your having been assured that the said seamen were about to be assassinated, and that they were not arrested by the guard of the mole. Nothing else than their arrest was thought of, as in effect the object of the guard was thereby attained; and the corporal of the guard received a contusion in attempting to quiet the seamen who had been so disorderly, and in causing them to abandon the hostile attitude which they maintained, armed with boat-hooks, knives, oars, and pieces of wood. They were apprehended by the officer of the guard, acting of his own accord, who, at the instance of the consul of your nation, placed them at the disposition of the competent authority, and not at that of the police, as you have been falsely informed.

The facts being now put in their true light, you will see that this is not a trifling matter of reciprocal charity and forgetfulness, although it may be one of mutual regret; for, between friends, between nations allied by solemn treaties of amity and cordial relations, the perpetration of offences so unjust and audacious as that committed by the seamen of the corvette under your command, is always productive of that sentiment. And you will also see that in their imprisonment and condemnation there is no want of respect to any one; but that a proper use has been made of the nation's right to chastise those who offend against it, a right incontrovertibly possessed by every nation in the universe. Will you then pretend that mine is in a worse condition than all others, and does not possess the right which emanates from its security and sovereignty, to chastise the individuals of the vessel under your command? If so, you cannot have fixed your mind upon the code of national law, for such an immunity of it would be a subversion of social order, and calculated to keep the world in continual war. Bear in mind the principles and doctrines of that universal code, and you will be convinced of the legality of the jurisdiction of nations to punish those who injure and offend them. But, even admitting that it may not be thus determined by that code, such jurisdiction would unquestionably hold good with mine, by the right of retaliation, since in the United States of America persons belonging to the navy and army of this republic have been tried and sentenced without there being any ground of complaint, as well as by the principle that what one nation regards as just for itself, the same should be held as proper for another.

The seamen of the corvette under your command, by unjustly attacking and wounding members of the guard at the mole, who repaired thither for the purpose of reducing them to that order which they had transgressed by their haughtiness or drunkenness, have been guilty of a heavy crime, according to our laws. They are now under trial before

the competent authority, which is, notwithstanding what you say to the contrary, unquestionably within the jurisdiction of the nation; and, until the cause is terminated, I shall be under the painful necessity of refusing to deliver up these men, wholly and entirely, as you demand—although I confide in the sincerity of your promise to punish them if they should be found delinquent—inasmuch as, by the laws of this country, I have neither power to grant pardon, nor to dispense with their execution, but on the contrary am bound to see them applied in all cases that may occur.

If, as you assert, there exists a number of causes of complaint between the two Governments, the trial of the before-mentioned seamen, against which you protest, guided by false statements and equivocal doctrines, cannot serve to nourish that discontent, even if protests were solicited for the purpose, because your Government is too enlightened to be ignorant of what constitutes the jurisdiction of nations, and that offence cannot be taken by any other when they make use of their perfect rights. For this reason, I flatter myself that this just and regular act will not be productive of that painful and gloomy influence which, you insinuate, even with repetition, no doubt in entire sincerity; while I am pained at not being able to comply with your wishes touching the delivery of the seamen aforesaid.

With such a motive I have the satisfaction of offering to you all my consideration, as your most affectionate friend and attentive servant.

CIRIACO VASQUEZ.

The COMMANDER of the U. S. sloop of war *Natchez*. —

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No. 31.

*Mr. Burrough to General Gomez.*

CONSULATE OF THE UNITED STATES OF AMERICA,

*At Vera Cruz, Nov. 9, 1836, at half-past 9 o'clock A. M.*

SIR: In reply to your communication of yesterday, I beg to acquaint you that I do not acknowledge the jurisdiction of a military tribunal over my countrymen, and that even if such a monstrous principle could be admitted, I should still, as consul of the United States, be bound *ex officio* to protect and defend them, and to see that justice was impartially rendered them—a circumstance that alone precludes my appearing as a witness against them.

But I have a still stronger objection to urge, and it is, that, having referred the whole matter to the consideration of the chargé d'affaires for the United States in Mexico, I do not feel authorized to take any further step whatever therein, until I receive his advice and instructions.

I have the honor to be, sir, respectfully,

Your obedient servant,

M. BURROUGH.

To Gen. GREGORIO GOMEZ,

*Commander of the plaza of Vera Cruz.*

No. 32.

*Mr. Burrough to Mr. Ellis.*

CONSULATE OF THE U. S. OF AMERICA AT VERA CRUZ,

November 12, 1836.

SIR: Having received nothing from you by the two last mails, I am fearful that my letters have miscarried, or at least the one under date of the 2d instant, conveying to you intelligence of the occurrence at this place on that day, between the Mexican soldiery and the boat's crew of the United States ship Natchez.

Affairs in relation to the prisoners remain as when I last had the honor to address you on the subject. The authorities have had no further conference with me, *pro* or *con*. I have been informed, indirectly, that *four* of the seamen are confined in the hospital, two of whom have been at the point of death, from the bayonet wounds received; it is also stated that the other two were this day examined by the military authorities touching the facts of charges alleged. The result of their examination, or of the state and condition of the others, I have not been able to learn.

If the Government of the United States can bear all that has recently transpired at this port in the way of aggressions and outrages on its flag and citizens, I wish no longer to have my life jeopardized by a residence in this country; and I do contend that, unless some decisive measures are adopted by our Government, in justice of the rights and liberties of her citizens in Mexico, our lives can scarcely be preserved. But so long as I remain charged with the interests of my brethren at Vera Cruz, my duty shall be done, let consequences be what they may; and if I fall, it will be in a just and virtuous cause.

I have the honor to be, sir,

Most respectfully,

Your obedient servant,

M. BURROUGH.

TO HON. POWHATAN ELLIS,

*Chargé d'Affaires U. S. A., Mexico.*

No. 33.

*Mr. Burrough to Mr. Ellis.*

CONSULATE U. S. OF AMERICA AT VERA CRUZ,

November 14, 1836.

SIR: I have nothing to communicate in regard to the American seamen imprisoned at this city, further than that I yesterday received a letter, signed by *four* of them, in an hospital of this town, stating that they were on Saturday taken out and examined by the authorities. They request me to call and see them, but as yet no permission has been



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granted me to visit them ; and whether I shall be permitted to have an interview with any of them, remains yet to be ascertained.

I have the honor to be, sir,

Most respectfully,

Your obedient servant,

M. BURROUGH.

Hon. POWHATAN ELLIS,

*Chargé d'Affaires U. S. A., Mexico.*

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No. 34.

*Mr. Ellis to Mr. Burrough.*

LEGATION OF THE UNITED STATES OF AMERICA,

MEXICO, November 15, 1836.

SIR: Your letter of the 10th instant, with the accompanying documents in relation to the seamen of the United States ship Natchez, reached me last evening, and, on their examination, I was struck with amazement to find that General Gregorio Gomez had been appointed to the command of the plaza at Vera Cruz, after his dismissal from the service for improper conduct to American officers at Santa Anna de Tamaulipas. In the present age, such an instance of panic faith is not to be found in the history of any civilized nation on earth. I will not make further comment on this extraordinary and reckless act on the part of this Government. The day of retribution will come, and a heavy one it will be for the people of Mexico.

I shall do all in my power to procure the release of the American seamen now held in confinement by the arbitrary acts of the authorities at Vera Cruz, and will, as early as possible, advise you of the result.

With great respect,

Your obedient servant,

POWHATAN ELLIS.

To M. BURROUGH, Esq.,

*U. States Consul, Vera Cruz.*

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No. 35.

*Mr. Ellis to Mr. Monasterio.*

LEGATION OF THE UNITED STATES OF AMERICA,

MEXICO, November 16, 1836.

The undersigned, chargé d'affaires of the United States of America, has the honor to make known to your excellency that, on the 2d instant, a boat and eight men, under the command of Midshipman Renshaw, left the United States sloop of war Natchez, then at anchor off Sacrificios,

and landed on the mole in the city of Vera Cruz. During the absence of this officer, who had orders to see the consul of the United States at that place, the crew became intoxicated, and one of them unfortunately got into a quarrel with a fisherman on the mole. The guard at the gate repaired to the scene of contention, and with arms fell upon the sailor. The rest of the crew hastened to his assistance, but were ultimately driven into their boat, with the exception of two of them, who were so badly wounded that they could not retire. At this moment Midshipman Renshaw arrived. The wind being high, and the sailors incapable of working the boat, he, on the advice of the consul, requested the captain of the port to receive them in charge until they were called for on the succeeding day. The wounded were taken to the hospital. The day following the consul of the United States demanded that the men should be delivered to the officer in command of the boat; but this was wholly refused, and up to this period they are detained in close confinement, and the consul (whose duty it is to provide for their comfort) is not permitted to see them. From the information received in relation to this unpleasant occurrence, it cannot be ascertained whether the seaman or the fisherman was to blame in the first instance; but there can be no doubt the men acted in self-defence, when the armed soldiery proceeded to attack them with bayonets and cutlasses, until they were driven into their boat. While in this defenceless situation, some of them weltering in their blood, the Mexican soldiers, at the instance of an officer who had furnished them with cartridges, were in the act of firing a volley of musketry into the boat, when their intention was defeated by the timely interference of the captain of the port, whose humane conduct on that occasion saved the lives of the officer and crew. If the seaman was the aggressor, still it is believed this will not present such a case as to warrant the interposition of an armed guard to attack a drunken and defenceless man, whose life was put in imminent danger by the assailants. That the balance of the boat's crew, animated by those generous feelings which always exist among men in their condition of life, should throw themselves between the bayonets of the Mexican soldiers and their shipmate, whose life was thus placed in jeopardy, deserves admiration and praise rather than chains and punishment. There is no evidence of a fixed design to treat with disrespect this Government, or the authorities at Vera Cruz.

The undersigned cannot refrain from expressing his surprise that an officer bearing a commission of this Government, should have considered it any portion of his duty to instigate his men to fire upon unarmed American citizens, situated as they were, and much less could he have supposed that the authorities at Vera Cruz would, under all the circumstances of the case, incarcerate them with a view to their punishment under the municipal laws of Mexico. It is now a well-understood principle of national law, that a public armed vessel of a foreign Power visiting the ports of a country with whom her Government is at peace, and conducting herself in a friendly manner, is exempt from the jurisdiction of such country, for the very obvious reason that the municipal law of one country cannot change the law of nations so as to bind the citizens and subjects of another country. Whenever these antagonist principles come in opposition to each other, the latter must prevail over the first.

If it were otherwise, that good understanding among all nations so necessary to promote harmony and concord in their intercourse with each other could not be preserved. The undersigned will further remark, that the seamen in question were handed over to the captain of the port with the express understanding that they were to be returned on the succeeding day. Under this agreement, he conceives no just reason can be urged for their detention at this time. He has therefore no hesitation in requesting your excellency that, if the facts be found as herein stated, he will cause the seamen aforesaid to be delivered to the commander of the United States sloop of war Natchez, or to the consul of the United States at Vera Cruz; and that if the officer of the guard shall prove culpable in instigating his men to the commission of the acts as detailed, he may be visited with merited punishment.

The undersigned avails himself of this opportunity to renew to your excellency the assurance of his very distinguished consideration.

POWHATAN ELLIS.

To his Excellency JOSE MARIA ORTIZ MONASTERIO,  
*Acting Minister of Foreign Affairs.*

No. 36.

*Mr. Burrough to Mr. Ellis.*

CONSULATE OF THE UNITED STATES OF AMERICA,  
VERA CRUZ, November 19, 1836.

SIR: By this morning's mail I had the honor of your letter of the 15th instant, advising that my respects of the 10th, with its accompaniments, had reached you.

The American seamen are yet in confinement, and no overtures made on the part of the authorities of this Government to enable me to visit them, nor has any communication been received in relation to them since I last addressed you in their behalf, and for which I am willing to give the credit to General Gregorio Gomez, the military commandant of the plaza of Vera Cruz.

Enclosed I hand you copies of two notes received from the prisoners, and whom I shall make, perhaps, another effort to see in the course of a day or two, in case they are not released. I have sent them a little money through the bearers of the two notes, but am apprehensive that it has not been received. Concluding my remarks on the subject of said seamen, citizens of the United States, I can but assure you that nothing on my part shall be wanting to the end that they may be released and protected from oppression.

I have the honor to be, sir,

Most respectfully,

Your obedient servant,

M. BURROUGH.

The Hon. POWHATAN ELLIS,  
*Chargé d'Affaires U. S. A., Mexico.*

No. 37.

*The American Seamen to Mr. Burrough.*

VERA CRUZ HOSPITAL, November 14, 1836.

RESPECTED SIR: We were informed by a gentleman who examined us yesterday, that our ship had sailed from this port a few days ago, and that we were left under your protection. If such is the case, we should feel much obliged if you would make it convenient to call here and see us, as we stand much in need of your advice at present.

We remain, sir,  
Your humble servants,

HENRY HAVIST,  
JAMES HOOPER,  
SAMUEL LONG,  
R. FREEMAN.

For the AMERICAN CONSUL, Vera Cruz.

No. 38.

*The American Seamen to Mr. Burrough.*

VERA CRUZ PRISON, November 19, 1836.

RESPECTED SIR: As we have been discharged from the hospital, and are all here in prison, we beg leave to inform you that we are much in want of tobacco, and that we are not allowed a sufficient quantity of food, in consequence of which those that have been in prison all the time are getting sick and will be obliged to go to the hospital. We should feel much obliged if you would so far interest yourself in our behalf as to get us out of here, and, if convenient, we should be thankful by your calling here.

We are, respectfully, sir,  
Your humble servants,

NATHANIEL GROVES,  
SAMUEL MOULDING,  
SAMUEL LONG,  
JOHN WILLIAMS,  
JOHN DAVIS,  
JAMES HOOPER.

No. 39.

*Mr. Burrough to Mr. Ellis.*

CONSULATE OF THE UNITED STATES OF AMERICA,  
Vera Cruz, November 24, 1836.

SIR: I beg to advise you that General Antonio Castro, the military commandant general of this department, did me the honor to call at my

office to-day, and stated that, having received instructions from the Supreme Government in regard to the seamen of the United States ship Natchez, detained in this city, he should issue an order for their liberation, and who would be delivered to my charge.

The said mariners have not as yet appeared, but who will probably, according to promise, be presented at this consulate in the course of tomorrow. I shall take charge of them, and dispose of them as I heretofore informed you.

I have the honor to be, most respectfully,

Your obedient servant,

M. BURROUGH.

The honorable POWHATAN ELLIS,

*Chargé d'Affaires U. S. A. at Mexico.*

No. 40.

*Mr. Burrough to Mr. Ellis.*

CONSULATE OF THE UNITED STATES OF AMERICA,

*Vera Cruz, November 26, 1836.*

SIR: I have the gratification to inform you that the eight American seamen belonging to the United States ship Natchez, and which have been detained in prison by the authorities of the Mexican Government at this city for the period of twenty-three days, were yesterday delivered to my charge by the commandant of this plaza.

Enclosed I transmit copies of letters on the subject of their liberation.

I have the honor to be, sir, most respectfully,

Your obedient servant,

M. BURROUGH.

Hon. POWHATAN ELLIS,

*Chargé d'Affaires U. S. A. at Mexico.*

No. 41.

*The Commandant of Vera Cruz to Mr. Burrough.*

COMANDANCIA GEN. DEL DEPARTAMENTO, Mesa 3.

*De Vera Cruz.*

Hoy he dado la orden correspondte. al Sor. Comandte. militar de esta plaza, para que mande entregar a V. los ocho marineros pertenecientes a la Corbeta de Guerra Americana Natchez, contra quienes se instruyo causa a consecuencia de la una que tubieron con algunos ciuds. Mexicanos, y por la resistencia que hicieron a la tropa de la guardia del muelle; esperando que conforme se servió V. significarme en la conferencia que ambos tubimos en la mañana de este dia, se castigaron por las autoridades

competentes de su nacion con arreglo a las leyes que en ella rigen y con presencia del delito que comitieron en esta Republica.

Con este motivo Sr. Consul tengo la honra de oprecer á V. respetuosamente mis consid. y atencion.

Dios y Libertad. Vera Cruz, Nove. 24 del 1836.

ANTONIO DE CASTRO.

Sr. CONSUL de los Estados Unidos de Norte America.

No. 42.

*The Commandant of Vera Cruz to Mr. Burrough.*

[TRANSLATION.]

COMMANDANCY GENERAL OF THE DEPARTMENT OF VERA CRUZ.

I have this day given a suitable order to the military commandant of this plaza, directing him to deliver over to you the eight mariners belonging to the American sloop of war Natchez, against whom a prosecution was instituted in consequence of the quarrel which they had with certain Mexican citizens, and of the resistance which they made to the guard of the mole; hoping that, in conformity with what you were pleased to signify to me in the conference which we held this morning, they may be chastised by the competent authorities of their own nation, according to the laws which there exist, and in a manner corresponding to the crime which they have committed in this republic.

With this motive, Mr. Consul, I have the honor to offer to you, respectfully, my consideration and esteem.

God and Liberty. Vera Cruz, November 24, 1836.

ANTONIO DE CASTRO.

The CONSUL of the United States of North America.

No. 43.

*Mr. Burrough to the Commandant of Vera Cruz.*

CONSULATE OF THE UNITED STATES OF AMERICA AT VERA CRUZ,

November 25, 1836.

SIR: I am honored with your letter of yesterday, and by which I am informed that an order has been passed to the commandant of this plaza, in virtue of which the eight seamen belonging to the United States ship Natchez, detained by the authorities of this Government under the accusation of infringing the laws of the Mexican republic, in a conflict with citizens of the country, and for resisting the military guard at the mole.

In pursuance of your command, seven of the said seamen were delivered at this consulate at the hour of 11 o'clock this day, since which, the other has presented himself, and who, it appears, was detained by illness in the hospital.

Responding to that part of your letter by which you apparently enjoin it as a condition of the liberation of the afore-mentioned seamen, that they be chastised by the competent authority of my Government, in accordance with the laws of the United States, I have the honor to state, that a communication on that subject from the commander of the United States ship *Natchez*, under cover of a note from this consulate, bearing date the 4th of November, has already been made to the then military commandant general of this department, in which the said commander refers to a letter of previous date, addressed to the aforesaid authority, expressive of his profound regret at the unfortunate occurrence of the 2d instant, and wherein he assures the incumbent of office "that if, on inquiry, the provocation should appear to have originated from the American seamen, the offenders should receive condign punishment;" and there is no reason to doubt the good faith of Captain Mervine, commander of the United States ship *Natchez*. But, as this consulate is in possession of no testimony that the American seamen are delinquents, the converse being proven, and by ample testimony, that they were wantonly attacked and unmercifully beaten and wounded by the military guard and other assailants at the mole of this city, on the morning of the 2d instant; and unless some proof at least be adduced that they, the said seamen, were the aggressors, I am constrained to express my disapprobation of the justice of your requisition regarding their chastisement.

Having already protested against the unjust and arbitrary detention of said American seamen, I now solemnly protest against the inquisitorial proceeding, or trial, instituted against them by your predecessor in office, during which, I, as consul of the United States, and *ex officio*, their natural guardian and protector, was excluded all communication with them, my suffering countrymen, notwithstanding I made three several and distinct applications for liberty to communicate with them, and, if necessary, to minister to their comfort.

I have the honor to be,

With high consideration of personal respect,

Your obedient servant,

M. BURROUGH.

TO ANTONIO CASTRO, Esq.,

*the Military Com. General of the Dept. of Vera Cruz.*

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No. 44.

*Mr. Monasterio to Mr. Ellis.*

PALACIO DEL GOBIERNO NACIONAL,

*Mejico, 2 de Diciembre, 1836.*

El infrascrito, oficial mayor lo Encargado le la Secretaria de Relaciones, tiene el honor de transmitir al Hon. Sor. Powhatan Ellis, copia de una comunicacion del Ministerio de la Guerra, relativa á haberse entregado al consul de los Estados Unidos en Vera Cruz, á los marineros de la goleta Americana *Natchez*, que fueron detenidos por la uña que tubieron en el muelle de aquel puerto.

El que inscribe, al poner ese documento en conocimiento del Hon. Sr. Powhatan Ellis, como resultado de su nota relativa al asunto, le reproduce las protestas de su muy distinguida consideracion y aprecio.

JOSE MARIA ORTIZ MONASTERIO.

Al Hon. Sr. POWHATAN ELLIS,

*Encargado de negocios de los E. U. de America.*

No. 45.

*Mr. Monasterio to Mr. Ellis.*

[TRANSLATION.]

PALACE OF THE NATIONAL GOVERNMENT,-

*Mexico, December 2, 1836.*

The undersigned, acting Minister of Foreign Affairs, has the honor to transmit to the Hon. Powhatan Ellis a copy of a communication from the Department of War, relative to the delivery to the consul of the United States in Vera Cruz, of the seamen of the American sloop of war Natchez, who were imprisoned on account of the quarrel in which they were engaged on the mole of that port.

The undersigned, while transmitting this document to the Hon. Powhatan Ellis, as the result of his note upon this subject, renews to him the assurance of his very distinguished consideration and esteem.

JOSE MARIA ORTIZ MONASTERIO.

To the Hon. POWHATAN ELLIS,

*Chargé d'Affaires of the United States.*

No. 46.

*Mr. Tornel to Mr. Monasterio.*

SECRETARIO DE GUERRA Y MARINA, Seccion 3d,

Mesa 1, Numero 718. Comandancia General del Departamento

*de Vera Cruz.*

ECSELENTISIMO SEÑOR: Consecuente á la superior nota de V. E. de 19 del actual subsanadas algunas dificultades que embarazaban la conclusion de la sumaria formada solve la una promosida por varios marineros de la corbeta Americana de guerra *Natchez* vistos los meritos que ministrar sus instructivas, y obsequiando los deseos del Supremo Gobierno, hoy ha sido terminado el asunto en cuestion, dejando bien puesto el decoro nacional y entregados á disposicion del consul de los E. Unidos del Norte los indicados marineros que por efecto de su ignorancia y demasias dieron lugar á las providencias que ellos mismos provocaron habiendo ofrecido aquel funcionario que al remitirlos en el primer buque



que se proporcione los recomendará á quien corresponda para que sufran el castigo condigno á sus excesos; y al tener el honor de decirlo a V. E. en contestacion, lo tengo tambien en reproducirle ambas protestas de mi respetuosa consideracion.

Dios y Libertad.

VERA CRUZ, *Novre. de 1836.*

ANTONIO DE CASTRO.

*E. Sor. Ministro de la Guerra y Marina.*

Es Copia: MEJICO, Nove. 29, de 1836.

JUAN L. VELASQUES DE LEON.

Es Copia: MEJICO, 21 de Diciembre de 1836.

JOSE MARIA ORTIZ MONASTERIO.

No. 47.

*Mr. Tornel to Mr. Monasterio.*

[TRANSLATION.]

DEPARTMENT OF WAR AND MARINE, *Section 3d,*  
*Commandancy General of the Department of Vera Cruz,*  
*Mesa 1st, No. 718.*

EXCELLENT SIR: In consequence of the superior note of your excellency, of the 19th instant, excusing some difficulties which embarrassed the termination of the preparatory proceedings instituted upon the quarrel moved by sundry sailors of the American sloop of war Natchez, seeing the merits which sustain those instructions, and following the desires of the Supreme Government, I have this day closed the subject in question, leaving uncompromitted the national decorum, by delivering over to the disposition of the consul of the United States of the North, the said mariners, who, by their ignorance and excesses, rendered themselves liable to proceedings which they themselves provoked—that functionary having promised that he would send them by the first vessel that offered to the proper authority, to whom he would recommend that they should receive condign punishment for their offences; and in doing myself the honor to communicate this to your excellency, in reply to your note aforesaid, I have also that of renewing to your excellency the assurance of my respectful consideration.

God and Liberty.

VERA CRUZ, *November 24, 1836.*

ANTONIO DE CASTRO.

*To his Excellency the Minister of War and Marine.*

Copy: MEXICO, November 29, 1836.

JUAN L. VELASQUES DE LEON.

Copy: MEXICO, December 2, 1836.

JOSE MARIA ORTIZ MONASTERIO.

No. 48.

*Mr. Ellis to Mr. Burrough.—(Extract.)*

LEGATION OF THE UNITED STATES OF AMERICA,  
*Mexico, December 3, 1836.*

SIR :

I am exceedingly gratified to learn that the American seamen have been discharged, and trust that you may soon have an opportunity to send them to Pensacola.

With great respect,  
 Your most obedient servant,  
**POWHATAN ELLIS.**

To M. BURROUGH, Esq.,  
*United States Consul, Vera Cruz.*

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 No. 49.
*Mr. Monasterio to Mr. Ellis.*

PALACIO DEL GOBIERNO NACIONAL,  
*Mejico, 6 de Diciembre, de 1836.*

El infrascrito, oficial mayor lo encargado del despacho de la secretario de relaciones, tiene el honor de dirigir adjunta al Hon. Sor. Powhatan Ellis, copia de una nueva comunicacion que ha recibido del ministerio de la guerra, sobre la entrega hecha al cónsul de los E. U. en Vera Cruz, de los marineros de la corbeta de guerra de aquella nacion llamada *Natchez*, y con tal motivo, el que suscribe, reproduce á su señoria las protestas, de su muy distinguida consideracion y aprecio.

JOSE MARIA ORTIZ MONASTERIO.

Al Hon. Sor. POWHATAN ELLIS,  
*Encargado de Negocios de los Estados Unidos de America.*

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 No. 50.
*Mr. Monasterio to Mr. Ellis.*

[TRANSLATION.]

PALACE OF THE NATIONAL GOVERNMENT,  
*Mexico, December 6, 1836.*

The undersigned, acting minister of foreign affairs, has the honor to enclose, herewith, to the honorable Powhatan Ellis, a copy of another communication which he has received from the Department of War upon

the delivery made to the consul of the United States in Vera Cruz of the eight mariners belonging to the sloop of war of that nation called the *Natchez*; and thereupon renews to him the assurances of his very distinguished consideration and esteem.

JOSE MARIA ORTIZ MONASTERIO.

To the Hon. POWHATAN ELLIS,  
*Chargé d'Affaires of the U. S. of America.*

No. 51.

*Mr. Tornel to Mr. Monasterio.*

SECRETARIA DE GUERRA Y MARINA, *Seccion 3,*  
*Mejico, Diciembre 2, de 1836.*

Con fecha 26 de Nov. proximo pasado medice el sr. comandante general de Vera Cruz lo siguiente :

ECSELENTISIMO SENOR : Habiendo prevenido el sr. comandante militar de esta plaza entregara al consul de los Estados Unidos del Norte los ocho marineros pertenecientes á la corbeta de guerra de aquella nacion la *Natchez* como lo participé a V. E. en oficio No. 718 de 24 del actual, mi me dice con fecha 25 del mismo lo que copio : " En debido cumplimiento de lo decretado por V. S. en la sumaria instruida contra los marineros de la corbeta de guerra Americana *Natchez* acusados de haber hecho armas contra la tropa de la guardia del muelle segun la nota de V. S. fecha de ayer, quedan entregados los referidos ocho marineros al consul de su nacion en este puerto por medio de uno de los ayudantes de la plaza, que al efecto comisioné ; y tengo el honor de participarlo á V. S. en contestacion."

Y lo transcribo á V. E. para su conocimiento y el del E. Sor. Presidente Interino á quien se servira manifestarle quedar terminado aquel negocio.

De orden de S. E. lo insierto a V. S. para su inteligencia y fines que convengan.

Dios y libertad.

TORNEL.

*Sr. Oficial Mayor Encargado de la Secretaria de Relaciones.*

Es copia : *Mejico, 6 de Diciembre, de 1836.*

JOSE MARIA ORTIZ MONASTERIO.

No. 52.

*Mr. Tornel to Mr. Monasterio.*

[TRANSLATION.]

DEPARTMENT OF WAR AND MARINE, SECTION 3D,  
*Mexico, December 2, 1836.*

Under date of the 26th of November last past, the commandant general of Vera Cruz addressed me as follows :

EXCELLENT SIR : Provision having been made by the military com-

mandant of this plaza for delivering to the consul of the United States of the North the eight seamen belonging to the sloop of war of that nation, the Natchez, as your excellency was advised in my official note, No. 718, of the 24th instant, the said commandant, under date of the 25th of the same month, thus reports to me: "In due fulfilment of the decree issued by your excellency, embracing a summary of instructions about the seamen of the American sloop of war Natchez, accused of having drawn arms upon the guard of the mole, according to your note of yesterday, the eight mariners referred to have been delivered over to the consul of their nation in this port, through one of the adjutants of the plaza, as he was by me commissioned to do. And I have the honor to announce the same to your excellency in reply to your note aforesaid."

And I remit it to your excellency for your information and that of the excellent President *ad interim*, to whom you will be pleased to say that this business is now terminated.

By order of his excellency, I enclose it to you for your information and such purpose as you may deem fit.

God and liberty.

TORNEL.

*The acting Minister of Foreign Affairs.*

Copy: MEXICO, December 6, 1836.

JOSE MARIA ORTIZ MONASTERIO.

No. 53.

(No. 43.)—*Mr. Ellis to Mr. Forsyth.*

LEGATION OF THE UNITED STATES OF AMERICA,  
Mexico, December 22, 1836.

SIR: I have the honor herewith to enclose the balance of the correspondence between the acting Minister of Foreign Affairs for the Mexican republic and myself, which led to the demand of my passports.

I am, with the greatest respect,

Your most obedient servant,

POWHATAN ELLIS.

Hon. JOHN FORSYTH,  
*Secretary of State, Washington City.*

No. 54.

*Mr. Monasterio to Mr. Ellis.*

PALACIO DEL GOBNO. NACIONAL,  
Mejico, Noviembre 15, de 1836.

Al Honorable Sr. POWHATAN ELLIS,

*Encargado de Negocios de los Estados Unidos de America:*

El infrascrito, oficial mayor 1o. de la Secretaría de Relaciones, encargado de su despacho, ha manifestado al honorable Sôr. Powhatan Ellis,

por su carta confidencial de 3, de Octre. antor. y por su nota de officio de 23, del mismo, qe. pa. contestar la de su señoria de 26 de Setre. en qe. expone varios reclamos de parte de los E. U. de America, contra el Gobo. de Mejico, necesitaba reunir todas las datas necessarias: algs. de los cuales se han pedido à diversas autoridades y oficinas, tando de esta Capital, como de fuera de ella, por no ecistir en la Sria. de Relacs.; mas ahora, con los qe. tiene á la vista el info., se apresura á responder dha. nota, aunque no sea sre. todos y cada uno de los puntos qe. contiene, cediendo á las instancias del Sr. Ellis, y pa. darle una prueba de qe. la Admon. Supma. de la Republica no se desentien de esas negocios, y de qe. no hay omision tampoco por parte del Minisro. para dar las debidas esplikaciones.

Antes de entrar en materia, el info. cree qe. debe fijar una base preliminar, para la mas facil inteligencia de su repuesta á cada uno de los cargos qe. contiene la nota del Hon. Sr. P. Ellis. El arto. 14, del trato de amistad, navegacn. y commercio celebrado entre esta Repca. y los E. U. de America, establece qe. ambos Gobiernos consedaran su especial proteccion á las personas y propiedades de los ciuds. de cada una de las dos naciones respectivamte., dejandoles abiertos y libres los Tribunales de justa. pa. sus recursos judiciales, de la misma manera qe. es uso y costumbre con los nacionales ó ciuds. del pais en qe. residan; á cuyo efecto podran emplear en defenso de sus drós, los abogados, procuradores, escribanos, agentes y factores qe. juzgesen á proposito en todos sus juicias, &c. &c., y así es qe. por el tenor de ese parafo, se advierte con toda claridad, que esa proteccion se limita á cuidar de qe. se les atienda pr. esas mismos trates cuyo acceso tienen espedito, y que las leres del pais se observen respecto de ellos con la debida imparcialidad; po. dejandolos qe. pr. si propios geren sus asuntos, entablen y agiten los ocurros qe. les comengan sin entrometerse los Gobs. respectivos de una manera directa en estos, qe. en algunos casos aun podria perjudicarles. Por el mismo principio todas aquellas reclamas que tienen pr. objeto operacs. de los empleados de Aduanas encumplimto. de las leyes de Hacda. pr. abusos qe. en esto haya podido haber, no corresponden en manera alguna al Ejecutivo de la Republica, sino qe. deben ventilarse en los trates de disto. y de circuito y en la corte supma. de justa., siguiendo el orñ. de recursos que las leyes establecen, sin hacer los materios de contestacs. diplomaticas, mientras no se haya negado á los interesados las vias legales qe. se abren á los Mejicanos, po. sin pretender tampoco otras drós qe. aquellas de qe. estos gozan, pues no puede haber dos legislaes. diversas pa. los nacionales y estrangeros; y estas, todo lo qe. pueden reclamer en virtud de los tratos; es que se les jusgue por las mismas leyes y por los mismos trates qe. á aquellos. Esta observacion la asienta el info. pr. qe. advierte, qe. en gral. los reclamos qe. contiene la nota de qe. se ocupa, son contraidas á négs. de particulares cuya secuela y conclusion, es del resorte del poder judicial de la Repca. y en tal virtud, dejando su aplicacion á los puntos qe. conviene, para á contestarlos, siguiendo el orñ. en que las coloca el sr. encargado de negs. de los E. Unidos.

El primo. relativo á lo ocurrido en Tabasco con el cargamto. de la Goleta Americana Northampton, y heridas qe. se infisceron al piloto de ella, es del todo desconocido al Ministo. de Relaces. y así es qe.; en

virtud del relato que hace el Hon. Sr. Ellis, se han pedido ya los informes respectivos, á fin de dictar en su vista las providencias conducentes.

Las quejas del ciudo de los Estados Unidos de America, Juan Baldwin, contra las autoridades de Goazacoalco, es el segdo. asunto que trata la nota del honorable Señor Ellis; y ecsaminado el espedte. de la mala. resulta, que cualesquiera que sean los agravios que selehayan inferido, y las arbitrariedades de dhas. autoridades, el interesado debió pedir la reparacion de estas y el castigo de aqos. ante los trates respectivos, cuya accion le estaba espedita como a todas los nacionales y estrangers. Sin embargo; como se entendia en sus asuntos con el Sr. Encargado de Negs. de su nacion, qn. las transmetia al ministo. del cargo del Info. el Gobno. supmo. tomo en ello la parte que le correspondia? Que cargo pueda resultarle pr. que acaso nta. ahora ne se hayan terminado en las juzaados respectivos las causas promovidas contra Mr. Baldwin, siendo asi que constantemte. ha hecho cuanto cabia en sus facultades, que era ecsitar á las autoridades pa. que se le administrase pronta y cumplida justa., poniendose en claro los hechos de que se quejaba y que se castigasen a los que resultasen culpables? Esta es toda la intervencion que el supmo. poder ejecutivo tiene en asuntos de esa clase, y la independa. en que está colocado con el judicial, le atraecia una grande responsabilidad si procediese de otra manera, pa. aplicar por si mismo las leyes. En la legn. que es á cargo del H. Sr. P. Ellis, ecsisten muchos datos que comprueban que el gobierno del info. ha llenado sus deberes con respecto á Mr. Baldwin, pues las repetidas ordenes que libró al Gobrn. del Esto. hay Departamto. de Vera Cruz, dan a conocer que jamas descuidó la oblign. en que se halla de dar la debida proteccion a todas los habitantes de la repca., sin trespasar, no obstante, por attender les los limites que las leyes le señalan.

No pueda omitir el Info. antes de dejar este punto, que la conducta del espresado Baldwin no ha sido tan circunspecta y arreglada como manifestaba en sus escritos, pues se habian intentado contra él seis causas criminales en el Juzgado de Acayucan, y habia otras quejas tre sus procedimtos., segun el informe del Comissionado en Goazacoalcos que se puso con oportunidad en conocimto. de la Legn. de los E. Unidos; y asi es que aunque el Supo. Gobno. Mejicano hubiese podido intervenir mas directamte. en estos asuntos, llevado del deseo de evitar al interesado sus padecimtos., el curso mismo que tomaban aqos. en los trates se le habia impedido; y fundandose en estos principios, el Minro. rebatio la idea que el Sr. D. Anto. Butlér indicó en nota de 6 de Setre. de 1833, relativa a que el caso de Mr. Baldwin se trataria como cuestion nacional entre los E. Unidos y Mejico; pues no pòdia tomar ese caracter la de un particular propia esencialmente del resorte de la justa. en la cual habia hecho el Gobno. cuanto estaba en sus deber y facultades, y mucho menos cuando habia datos poco favorables con respecto al interesado. El punto pues bajo que debe verse actualmte. el Nego. en cuestion, es el de si el Gobno. Supmo. le ha concedido, ó nó, la atencion y proteccion debida; y estando demostrado asi por esta sencilla espocision, como pr. los documentos que ecsisten en poder del H. Sr. Ellis, que ha sido el primo., queda desvanecido todo cargo que pudiera hacersele, mas para dar una nueva prueba del deseo que siempre le ha animado pr. la terminacion

pronta y feliz pa. El Sr. Baldwin, de este asunto, dirige una ecsitacion enerjica á la autoridad que corresponde á fin de que si aun tubiese aquel juicio pendiente, se le imparta justa. con la imparcialidad y prontitud correspondte.

Los documtos. que existen en la Sria. del cargo del Info., no son bastantes pa. formar una cabal idea del asunto relativo á la ocupacion de la Goleta Ama. Topaz pr. las autoridades Mejicanos, pa. conducir tropas de Matamoros á Galvezton; y por lo mismo se han pedido al Ministo. de la Grra., donde deben ecsistir aqos. datos; mas por los que tiene á la vista el que subscribe, se duce que el citado Buque fué fletado pr. el comte. de Anahuac pa. la conduccion de dhas. tropas, y que en su traversia, los marineros, queriendo a poderarse del dinero que iba Abordo, formaron el plan de asesinar a los Mejicanos que conducia la Goleta, hechar esta á pique y lagarse en los botes. En efecto despues de anojár al aqua el Capt. Ryder, y teniendo a la tropa en la bodega, iban ya á asesinar a dos oficiales de esta Repca. cuando escapando uno de ellos dio la alarma, la tropa rompio las escotillas asalto a los autores del motive, hirio al piloto, que era el cabacilla y aseguró á los demas pa. que fueren juzgados, y aunque los atentados de la tripulacion, fueron atribuidos por ella á los soldados Mejicanos, dos capitanos de otros buques de los E. U. que llegaron posteriormte. á Anahuac y que creyeron de su deber avenguar el caso, lo decidieron contra los marineros, por haber encontrado su testimonio contradictorio. Si los sucesos han pasado asi; ya se ve claramte. que no puede hacerse cargo alguno á Mejico por la muerte del capitan y piloto de la Topáz, po. el Info. ecsaminará con atencion los documentos que ha pedido pa. fijar esos hechos y el relativo a la detencion de la Goleta de que se trata.

En cuanto al asunto de la Goleta Brazoria, consta del éspedte. respectivo qe. por el mal estado en qe. se hallaba en el Pto. de Vera Cruz el año de 1833, se dispuso su venta; mas coma al amarlo el comte. de aquel departamto. de marina al s. Gobeno. le manifestarse qe. no tenia, ni habia podido adquirir noticia oficial de si dho. buque correspondia, ó nó á la armada nacional, y que, solo habio oido decir qe. era de la propidad de un ciudo. de los E. U. á quien los colonos de Austin lo pidieron en auxilio pa. transportar tropas de Galvezton á Matamoros, y qe. el dueno lo abandono con protesta de dânos y perjuicios, se le previno pr. el ministo. de la grra. qe. tanto el producto de la venta, se llegaba á efectuarse, como lo qe. importase el uso qe. se habia hecho del buquè, se depositase en la Tesoria del mismo Departamto. de Marina pa. resarcir al interesado de los dânos y perjuicios qe. hubiese sufrido, á cuyo fin se le recomendó tambien, que con toda eficacia investigara qn. era el dueño de la Goleta; y asi es que, si este hubiese presentado su demanda como correspondia, habria tenido efecto desde entonces la disposicion qe. el s. Gobno. dictó á su favor, sin qe. hubiese reclamacion alga. oficial ni particular, guiado solo por el principio de justa. qe. podia tener el interesado. Por lo mismo luego qe. presente los documentos qe. acrediten legalmente la propiedad qe. tenia sre. dho. buque, y todo lo demas qe. es necessario, se prosederá á lo que corresponda para indemnizarlo como sea justo.

Los reclamos del Sr. Aaron Leggett, ciudo. de los E. U. de Ama. pr. la perdida en Tabasco el año de 1832, de su buque de vapor nombrado *Hidalgo* se somitieron el ecsamen debido, y de la averiguacn. qe. se

formó, resulta ; que segun contrata, y a virtud del privilegio que se concedió á dho. buque, debía transportar gratis las tropas nacionales, cuando el servo. lo exiguisse, sin embargo de lo cual, se pagaron á Leggett en esa viz : mil cuatrocientos treinta y tres ps. un real pr. fletes ; que cuando la embarcacion se fué á pique, se ocupaba en servicio de su propietario y no de la Repca. y ese accidente resulto del mal estado en qe. se hallaba y de la ecsesiva carga que le embarcaron ; qe. ni el capl. ni las medidas tomadas pr. Leggett, podian nunca haber impulsado tanto los cortes del palo de tinte, pa. qe. hubiese podido cargar los ocho buques de que hace referencia en sus escritos, pues segun declaran los cortadons contratados, no debian haberselo entregado hta. el ano siguiente á aquel en qe. sufrió los perjuicios qe. reclama ; qe. habiendo desaprobado Leggett, el contrato qe. celebró su apoderado, no debía ya contar con la carga pa. los espresados buques cuya anulacion le obligó á deshacerse de los muebles y ecsistencias qe. tenian los Sres. Brown y Gahagan, pa. pagar á los contratistas del corte, y como este se halla á cuarentá, ó cincuenta legas á lo interior de la costa, claro es que aun cuando se hubiese verificado, habrian sido necesarios cuatro ó cinco meses pa. conducirlo a fin de qe. fuese embarcado, y no hubiera sido bastante pa. cargar los buques qe. refiere, ps. los cinco cincuenta mil quintales de palo annales qe. menciona, le habria sido imposible conseguirlos pr. los pocos recursos con que contaba. Consta tambien qe. el valor del barco de vapor de Leggett, seria á lo mas, segn. unos, diez y seis á diez y ocho mil ps., y qe. siendo dho. y qe. segn. otros de seis á ocho y de cuatro á cinco mil ps. y qe. siendo dho. individual dendor á la hacienda pubca. de dros. vendidos fué ejecutado ; y hecho pr. peritos el avaluo de sus efectos por orn. de autoridad competente, se justipreciaron en la cantidad de catorce mil cien ps.

En virtud de lo espuesto, El S. Gobno. Mejicano conceptuó á la nacion ecsonerada de satisfacer á Mr. Leggett las sumas qe. reclama pr. daños y perjuicios ; sumas ecsageradas pr. calculos quimericos, segun se nota tambien pr. la espresada averiguacn., y asi es que se dispuso qe. el interesado ocurriese ante los Trates, cuyos ocursos le estaban espeditos, si aun insistiese en el asunto, qe. pr. su naturaleza es contencioso. Estas providas. dictadas pr. el minist. de la grra. se hicieron saber al Sr. Leggett pr. el del cargo del qe. suscribe y como no se haya conformado con ellas, en vez de ocurrir como es de ley á sejuir un juicio ante los Trates, ha repetido sus instas. ante el S. Gobno. solicitando nueva resolucion qe. si pudiese darle pr. qe. la admitan las atribues. del Ejecutivo, el qe. suscribe tendrá el honor de ponerla en noticia del Hon. Sr. Ellis tan pronto como se le comunique pr. el ministo. respectivo.

Luego qe. el S. Gobno. tubo noticia de la publicacion qe. hizo en New York el Capn. del Bergantín Industry Mr. McKeige refiriendo lo que le habia acontecido en Tabasco, y quejandose de los procedimtos. de aqas. autoridades y empleados, dispuso qe. se hiciese una averiguacn. legal de aqos. hechos, y verificada qe. fué como resultase que el juez de disto. y el comte. del resguardo de aqa. Aduana habian incurrido en las graves faltas de qe. se les acusaba, mandó se les formase la correspondiente causa y se les aplicase el merecido castigado. Esta há seguido todos los tramites qe. prescriben las leyes, y pa. su mas pronta terminacion ha dirijido el Info. las orns. oportunas á fin de qe. segn. su resultado se pro-



ceda á lo qe. fuese justo para indemnizar á Mr. McKeige de las perdidas y perjuicios qe. le ocasionaron unos individuos con su conducta venal é imprudente comprometieron el honor de la nacion.

Esto es con respecto á la prision qe. impusieron al Captn. Keige á las sumas qe. le ecsijieron pr. su libertad y la del buque y pr. la detencion de este, ps. en cuanto á haberse obligado á la tripulacn. del Mismo á qe. pelease en un combate qe. hubo en Tabasco entre las Tropas del Gobno. y otras sublevadas, consta qe. los marineros se pusaron voluntariamte. á esa fatiga, y no se les obligó pr. la fza. como el citado Capn. del Buque asienta; y consta tambien qe. son ecsagerados los padecimtos. qe. este dice sufrió en la prision, asi como qe. el Comte. Militar de aqa. ciudad no tubo parte alga. en los acontecimtos. a que se hace referencia.

En cuanto al suceso del Bergn. Amo. Paragon no habiendose comunicado al Minist. de Relaces. pr. el de Grra. el resultado de la prision y el juicio que se habia ordenado contra el Capn. oficiales y gente de la Goleta Nacional Tampico, segn. se avisó oportunamte. al Sr. Encargado de Negs. de los E. U. el Info. ha dirijido la orn. oportuna pa. qe. se le participe lo qe. con posterioridad haya ocurrido pa. ponerlo en noticia del Hon. Sr. P. Ellis.

El asunto de la detencion en Campeche del Bergn. Amo. Ophir esta reducido á lo sigute. Practicados qe. fueron las visitas de Grra. y sanidad, y antes qe. llegase la del resguardo el Capn. del Buque pidio con repetidas instas. se le permitiese pasar á la tierra y concedido qe. le fué atribuyo maliciosamte. este paso al Captn. del Pto. suponiendo qe. lo habia dado pa. perjudicarlo, cuando es asi qe. el solicito, y llevo su idea hta. el extremo de acusarlo ante un Tral. y pedir se le castigase, pr. un acto de pura condescendencia. Llegado á tierra el Capn. del Buque; presentó los manifestos particulares, omitiendo los grates, de qe. segun, la ley, era immediatamte. responsable, por cuya falta, el Juez de Disto. considerando qe. el Buque responde pr. dhos. manifestos grates., que deben presentarse en el acto del fondeo, conforme esta prevenido por la ley de 31 de Marzo de 1831, mando qe. aquel fuese competentemte. asegurado hta. la conclusion del juicio qe. debia seguirse, y dejó libre el cargamte. Para ese efecto, y temiendose la fuga del Bergn. se le quitaron las velas, depositandolas en las almacs., y se le puso una pequeña guardia, la que se aumento des pues, y se hizo entrar mas el Buque pr. que continuaban las amenazas de su fuga las de que se pondria fuego al alquitian que contenia pa. qe. volasen los qe. los custodiaban, y otras, bastantes des comedidas e insultantes. Entre tanto, se condenó al Bergn. á la pena de comiso, y habiendo apelado el Capn. de esta sentencia, y seguido el juicio todas sus tramites legales, se revocó aquella, mandandose entregar el buque bajo de fianza, como en efecto se hizo, recibiendo su Capn. y cuando, en tal virtud, podia navegar libremte. marchó sin cargamto. dejando en poder del Consul de los E. U. todos los documtos. de navegn.; y ese paso precipitado y furtivo, fué ocasionado pr. una disputa Sre. in- treses qe. con su fiador tubo el relacionado Capn. del Bergn. de que se trata.

Resulta de lo espuesto que las autoridades Mejicanos no se eccidieron en manera alga. pues la detencion del buque tubo origen en la falta de los manifestos grates., mas cuando aqa. se reparó, se declaró libre y se devolvió á su. Capn. como correspondencia. Asi pues, no se advierten

los fundamtos. del reclamo sre ese negocio, ni hay como justificar, con relacion a la Repca. Mejicana, la protesta injuriosa y altamte. ofensiva qe. contra sus autoridades y empleados presentó el Capn. del Buque en cuestion al Consul de los E. U. en Campeche, con motivo de los procedimtos. referidos, a que él mismo dió lugar, y qe. fueron arreglados a las leyes. Cree pr. lo mismo el Gobno. del Ynfo. que el de los E. U. de Ama. estara mal informado de estos sucesos, y qe. cuando se instrueza de lo qe. realmte. ha pasado, desapovara la conducta del Capn. Britisan del Bergn. Ophir, así pr. las noticias inexactas qe. le ha transmitido, como por la protesta mencionada, en qe. contanta injusta. como ligereza y atrevimte. hizo tales agravios a la Repca. Mejicana, y Sre. cuyo particular aparace qe. el Gabinete de Washington tomase providas. ni aun manifestase su desagrado y disposicion pa. satisfacer en alguna manera la justa queja de una Nacion amiga, pr. un libelo tan injurioso, no obstante qe. se le indicó pr. medio del encargado de negs. de la Repca.

Como quiera qe. ninga. reclamacion ó queja se ha presentado hta. ahora al Gobno. nacional acerca del apresamto. de la Gta. Ama. Martha pr. la de Méjico nombrada Montezuma, y la prima. noticia de este asunto qe. tiene el Ministo. del cargo del Ynfo. sea la qe. le comunica la nota del H. Sr. P. Ellis do 26, de Setre. ulto. no puede contestarle con el debido conocimto.; y pa. hacerlo, ha pedido á quienes corresponde las noticias é informes respectivos, qe. tendra el honor de transmitir as u Señoría con todo oportunidad.

Con respecto ál apresamto. de la Gta. Ama. Ana Elizabeth, se ha recomendado pr. El. Ynfo. al Ministo. de la Grra. la mas pronta remision de la sumaria qe. Sre. ese asunto mandó formár al Comte. Gral. de N. Leon y Tamaulipas, segn. tubo el honor el qe. subscribe de participar al Hon. Sr. P. Ellis en nota de 17 de Junio ulto. y tan luego como se tenga a la vista aquel documto. se le comunicará el resultado.

Tambien se reclaman de nuevo por esta Sria. á la de grra. los informes qe. ofrecio acerca de las tropelias qe. se dice fueron cometidas en Matamoros por una partida de tropa Mejicana contra el Consul y otros Ciuds. de los E. Unidos Sre. cuyos particulares hablaba la nota qe. el Hon. Sr. Ellis dirijio al Ynfo. en 9 de Setre. ulto. y con oportunidad sepondran en noticia de su Senoria.

No habiendo antecedentes en este ministo. acerca de los sucesos ocurridos con la Gta. *Eclipse* de Mobila, se han pedido al del Despo. de Hacda., á efecto de contestar, este punto de la nota del Sr. Ellis á qe. se refiere la presente comunicacion del Ynfo.

Con motivo de la noticia qe. se tubo en Matamoros en Abril ult. de qe. algs. buques enemigos cruzaban ntras. aguas y se dirijian á quel Pto. dispuso el Comte. gl. de aqos. Departamtos. como medida de precaucion, qe. se suspendiese la salida de todo buque de las barras del mismo, y qe. se acercaren á él lo mas posible pa. qe. pudieran ser protegidos pr. los fuegos de la plaza, en caso de agresion; mas esa medida qe. duró muy pocos dias, y sin embargo de qe. consultaba a la vez qe. el mejor servicio nacional, la seguridad de los buques espresados, fue desaprobada pr. el E. S. Presidte. en razon de no haber sido dictada esta medida pr. El. S. Gobno. qe. es el unico qe. puede tomarla en uso del dro. qe. es inherente á todas las naes. previniendose al espresado Comte. gral. qe. en lo sucesivo no cercase Pto. alguno sin permiso Supr. pr. los males

que pudieran ocasionarse al como. Parece qe. en esta vez. no resintio perjuicio algo. al menos de qe. tenga queja el S. Gobno. y asi es qe. con esto, cree el Ynfo. que queda contestado el reclamo relativo a la detencion de los buques Jane, Compeer, y otros de los E. U. de Ama. y mucho mas si se atiende a qe. la medida de qe. se trata, no se contrago exclusivamente. á estos, sino á todos los que se hallaban en Matamoras, cualq. qe. fuese su proceda. inelusus los nacionales.

Ninguna noticia tiene el Gobno. del Ynfo. del hecho qe. refiere el H. Sr. Ellis, Sre. haberse querido obligar al consul Amo. en Tabasco pr. un alcalde de aqa. ciudad, a qe. autorizase con su sello consular ciertos documentos publicos, y pr. lo mismo, para formar idea de este negocio, se han pedido las notas. conducentes á la autoridad qe. corresponde, y lo qe. resultase se pondrá por el qe. subscribe en noticia del Sr. Encarg. de negs. de los E. U.

Su Señoria despues de especificar todos los asuntos qe. quedan contestados, pasa á decir que los buques Mejicanos armados, han hecho fuego á insultado la bandera de los E. U. de Ama. qe. sus consules han sido maltratados é injuriados por las autoridades; los ciuds. particulares asesinados, arrestados y castigados como malhechores; sus propiedades condenadas y confiscadas, &c. mas como estos cargos se hacen con tanta generalidad, el Gubno. Supmo. de la repca. desearia se le especificaren pa. tomarlos en consideracion. Tendria tanto placer en reparar los pejuicios qe. injustamente se hayan inferido en Mejico a los ciudads. de los E. U. y en satisfacer los insultos qe. haya recibido la bandera de los mismos, cuanto es el sentimto. qe. le causan mas reclamacs. qe. ó bien son infundadas, por qe. los qe. las presentan se habian hecho acreedores con su misma conducta a procedimtos. qe. califican de abusos y arbitrariedades, ó si estas en efecto se han cometido en la Repca. ha sido contra el constante deseo del Gobno. nacional de qe. se guarden en todas partes las debidas consideracs. á todos los ciuds. de las potencias amigas; contra sus conatos y esfuerzos á fin de qe. no se haga distincion alga. entre estos y los naturales del pais, y en fin, contra sus repetidas disposiciones pa. qe. ante los trates. y autoridades todas, encuentren proteccion y se les administre pronta y cumplida justa. Por lo mismo pues, y con óbjetto de vindicar el honor nacional, en cuanto pueda haberse comprometido pr. los hechos qe. en globo refiere el H. S. P. Ellis, y de dar nuevas pruebas de la rectitud, probidad y decoro de los principios qe. en todot yro. han guida la conducta de la Admon. Supma. Mejicana, apreciará se le den a conocer todos los motivos de queja qe. ecsistan, prometiendose de la justa. é imparcialidad de la de los E. U. de Ama. qe. se penetrara de la ecsageracion con qe. los interesados presentan sus quejas, pr. motivos qe. es escusado referir, y con la cual intentan sacar ventajas qe. de otro modo nopodrian obtener, quedar impunes de faltas qe. cometieron en desprecio de las leyes del pais á qe. llevan sus especulacs, aunque sea á costa de comprometer las relacs. de amistad y buena armonia de este con la nacion á qe. pertenesen.

Pero asi como el Gobno. del Ynfo. acojerá las demandas justas qe. se le presenten, y se presentará a reparar los perjuicios qe. se hayan ocasionado en la Repca. a los interesados en agos., no puede ser indiferente a la acriminacion qe. se le hace en la nota del Hon. Sr. P. Ellis qe. esta contestando el qe. subscribe, cuando lo constituye autor de actos *ilicitos*,

*arbitrarios, y violentes*, qe. si se han cometido, no ha tenido en ello parte alga., pues deberan su origen a autoridades é individuos particulares, y los qe. han llegado a su noticia han merecido su desagrado y desaprobacion. No podrá señalarse un solo hecho en qe. el S. Gobno. manifestase, ni aun remotamte., una disposicion poco favorable pa. la conservacion y aumento de las relacs. políticas con las Potencias estrangs. y pr. eso cree qe. no ha merecido esos reproches, ni tampoco qe. se use con ella de un sentimto. de *indulga.* de parte de ninga. de aqos. como el qe. dice el Hon. Sr. Ellis abriga el Presidte. de los E. U.; sentimto. qe. en tales casos es degradante á aquel en cuyo favor se emplea: Aun suponiendo qe. las quejas de los ciuds. de los mismos Estados contra la Repca. Mejicana, hubiesen adquirido ya todo el grado de certidumbre y de justa. necesarias pa. deducirse la obligacion de esta en acordarles la reparacion oportuna, si no se habia negado á concederla no merecia la aplicacion de ese espiritu indulgente ó tolerante.? Cuanto menos pues, sera acreedora á el, cuando faltan aqas. circunstancias a las reclamacs. en cuestion, y cuando no se resiste a satisfacer las? Asi es que el Gobno. del Ynfo. ha visto con sorpresa y sentimto. esas frases y otras de la nota del Hon. Sr. Encargado de negs. de los E. U. y pr. su propia dignidad, por su decoro y pr. el honor nacional, manda al qe. subscribe haga estas indicacs. a su Señoria, y le manifieste qe. dispuesto como esta y ha estado en todas epochas á cumplir las obligacs. qe. le prescribe el dro. de gentes y los tratados especiales qe. ha celebrado la Repca., y como de hecho las ha cumplido en cuantos casos se han presentado, atenderá gustoso los reclamos qe. se le presenten fundados en justa., como lo estaraan sin dudo aqos. a qe. alude el Hon. Sr. P. Ellis, pues el Gobno. de los E. U. los habiá depurado de las ecsageracs. y falsedades con qe. suelen revestirlos los interesados, y de los cargos gratuitos de violencias y arbitrariedades qe. atribuyen a las autoridades y empleados qe., cumpliendo sus deberes impiden qe. las leyes de su pais dejen de tener su mas rigida y ecsacta aplicacion.

No puede concluir este escrito el qe. subscribe sin hacer, aun que con repugnancia, la observacion de qe. tan frecuentes quejas y demandas de parte de los ciuds. de los E. U. mas bien podrian hacerse contra ellos pr. la conducta poco regular qe. en muchos casos han observado en el ejercicio de la profession del comercio. Es notorio el contrabando de qe. se han ocupado especcialmte. en las Costas de Texas, y muchas veces pretestando falta de conocimto. qe. no pueden tenir, de las leyes de Hacienda, han omitido los requisitos ó documtos. qe. estas ecsijen, lo cual ha dado lugar á que se les confisquen los cargamtos. ó los buques, a la de multas y otras penas contra las cuales declaman sin fundamto. pr. ser arreglados a justa. no haciendo atencion á qe. deben estar sujetos á las leyes, usos y estatutos del pais al conducir a el sus especulacs. mercantiles, como es muy natural, y lo dice espresamte. el arto. 3o. del Trato. de amistad, como. y navegacion.

No se entienda pr. esto qe. el Gobno. del Info. confunde en esos navejos a todos los ciudos. de los E. U.: sabe y le consta qe. hay muchos a quienes no se tiene reproche algo. qe. hacerles, pues se han conducido con toda la delicadeza, honor y circunspeccion debidos, en todos los giros a qe. se han dedicado; ni se crea tampoco qe. el Gobno. Mejicano indica esas ideas pa. formar materia de reclamo al Gobno. de Washing-

ton, ps. bien conoce qe. de la conducta qe. observan los ciuds. de aqua-  
nacion, ninga. responsabilidad puede resultarle, asi pr. qe. no podria em-  
pedirla como pr. qe. de ningun modo habrá podido aprobarla, Estas mis-  
mas circunstancias median con el de la Repca. Mejicana, respecto de las  
faltas qe. en ella se hayan cometido con los ciuds. de aquel pais; cir-  
cunstancias qe. no deben mirarse por parte de uno ni de otro Gobno.  
como indicantes de mala disposicion pa. el cultivo y, aumento de sus re-  
lacs., ni como descuido se omision pa. impartir á aqos. la proteccion á  
qe. los obliga el dro. de gentes y los tratos. que han celebrado. En  
prueba de este convencimto. del Gobno. Supmo. el Ynfo. dira como de  
paso qe. ni aun en el reciente acontecimto. de la Gta. Mejicana correo,  
creyó comprometido al de los E. U.: sus reclamacs. se dirigieron pa. el  
fin de qe. se pudiese termino a los escandalosos procedimtos. de las au-  
toridades de N. Orleans, con un buque de grra. de una nacion amiga, y  
bien sabe el Sr. Ellis, pr. otra parte qe. su Gobno. se abstuvo de toda  
intervencion, por mas, patente, claro e indisimulable qe. era el ultraje  
inferido á la bandera Mejicana, pr. qe. el asunto fundia ante el poder ju-  
dicial de aquel pais. Protesta el Ynfo. qe. estas aplicacs. no llevan pr.  
objeto escudarse con ellas pa. satisfacer a los justos reclamos qe. se hagan  
a su Gobno. pr. el de los E. U.; lejos de ello, ha dicho y repite qe. está  
pronto a verificarlo, y solo ha querido demostrar qe. en ellos no ha tenido  
parte; qe. enlos qe. han ocurrido ha llenado sus deberes y qe. si no ha  
hecho mas en obsequio quejoios, ha sido pr. que las leyes fundamentales  
del pais le tienen bien detalladas sus facultades, y ya se ve que es injusto  
hacerle cargos por qe. estas no se estienden hta. donde fuera de desear  
pa. hacer mas efectiva la proteccion qe. debe á los ciuds. de las nacs.  
amigas; po. si estos vienen a la Repca. conociendo aqas., y sabiendo  
tambien á las que estan sugetos en su residencia en el pais, en sus geros  
y especulacs., todavia es mas injusto qe. se acrimine al Gobno. qe. no  
tiene arbitrio pa. proceder de otra manera, qe. la qe. señalan las mis-  
mas leyes.

Ha contestado el Ynfo. a la nota del Hon. Sr. P. Ellis con las observacs.  
que cree oportunas y a todos los puntos qe. contiene, aunque con falta de  
los datos precios Sre. algs. de ellos cediendo, como ha dicho antes, a las  
instas. de su Señoria, pa. qe. se le diese una pronta respuesta. Esta ec-  
sijencia nada tendria de extraño si no se acompañase de la intimacion del  
Hon. Sr. Ellis de retirarse de sus funciones publicas, caso de no recibirla  
con la brevidad qe. desea; po. esto le estan extraño a S. E. el Presidte.  
into., cuanto qe. no juzga merito bastante pa. ese paso, la demora en una  
contestacion qe. no depende sino de las causas qe. ya el Ynfo. ha mani-  
festado otra vez; y sabe por otra parte qe. el Gabinete de Washington  
aun no habia dado respuesta alga. al Mintro. Mejicano en aqos. Estos.  
pta. el 4 de Octre. a notas qe. le dirigio en los meses de Agosto y Setre.  
y Sre. asuntos de la mor. importancia y trancendencia para los intereses de  
las dos nacs. mas sea como fuere, el Ynfo. ha cumplido su deber en cu-  
anto le ha sido posible, ofrece de nuevo transmitir al conocimto. del Hon.  
Sr. Ellis el resultado de los informes y documtos. qe. tiene pedidos, se-  
gun queda espresado en sus lugares respectivos, y aprovecha con gusto la  
oportunidad de reproducir á su Señoria las protestas de su muy distinguida  
consideracion y aprecio.

JOSE MARIA ORTIZ MONASTERIO.

No. 55.

*Mr. Monasterio to Mr. Ellis.*

[TRANSLATION.]

PALACE OF THE NATIONAL GOVERNMENT,

MEXICO, November 15, 1836.

To the honorable POWHATAN ELLIS,

*Chargé d'Affaires of the United States of America :*

The undersigned, acting Minister of Foreign Affairs, has informed the honorable Powhatan Ellis, through his private note of the 3d of October last, and his official note of the 23d of the same month, that, in order to reply to the one from his excellency of the 26th of September, in which he sets forth various reclamations on the part of the United States of America against the Mexican Government, it was necessary to collect all the important data ; some of which were to be obtained from different authorities and officers, both within and without the capital, because they did not appear in the Department of Relations ; but now, with such as are before the undersigned, he hastens to reply to said note, although it may not be, upon all and every point embraced in it, yielding to the urgency of Mr. Ellis, and desiring to give him a proof that the supreme administration of the republic is not unmindful of these affairs, and that there has not been any the slightest omission on the part of this department, in giving the necessary explanations.

Before entering upon the matter, the undersigned believes that he ought to establish a preliminary basis for the better understanding of his reply to each one of the charges embraced in the note of the honorable P. Ellis. The 14th article of the treaty of amity, commerce, and navigation subsisting between this republic and the United States of America, provides that both Governments guaranty their especial protection to the persons and property of the citizens of each other, "leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary with the natives or citizens of the country in which they may be ; for which they may employ, in defence of their rights, such advocates, solicitors, notaries, agents, and factors, as they may judge proper, in all their trials at law," &c. ; and hence, from the tenor of this paragraph, it is evident that this protection is limited to a resort to these tribunals, whose access is thus rendered easy, and that the laws of the country are made to bear upon them with all due impartiality. By leaving the parties interested to carry on their own affairs, they can discuss and arrange the points at issue without the direct interposition of their respective Governments, which might, in some cases, affect their interests. On the same principle, all those reclamations which have for their object the proceeding of officers of the customs in fulfilment of the laws of finance, for abuses which may have been committed, do not, in any manner, attach to the Executive of the republic, but ought to be examined before the tribunals of the district and circuit and in the supreme court of justice, according to the order of proceedings established by law, without making them matter of diplomatic discussion, so long as the parties interested are not denied those legal resources which are open to Mexicans, but without the one pretend-

ing to rights which the others do not enjoy, inasmuch as there could not exist two different legislations for natives and foreigners; and these, all of which they may claim in virtue of the treaty, are, that the latter may be judged by the same laws and by the same tribunals as the former. The undersigned is induced to make this observation, because he discovers that, in general, the reclamations contained in the note now under consideration, are confined to the affairs of individuals whose trial and adjustment belong to the judiciary of the republic; he will, therefore, leave its application to the several points coming under it, and pass to a consideration of them, following the order in which they have been placed by the chargé d'affaires of the United States.

The first, relative to the proceedings had at Tobasco upon the cargo of the American schooner Northampton, and the injuries inflicted on her captain, is entirely unknown to the Department of Relations; and hence it is, that, because of the relation made by the honorable Mr. Ellis, the necessary information has now been called for, with a view to take such order on it as the facts may justify.

The complaints of the citizen of the United States of America, John Baldwin, against the authorities of Goazacoalco, form the second subject treated of in the honorable P. Ellis's note; and an examination of the documents in the case proves that, whatever may have been the grievances which Mr. Baldwin has borne, and however arbitrary the acts of said authorities, the party interested ought to have sought reparation for them, and punishment of his aggressors, before the proper tribunals, whose action was alike open to foreigners and natives. Nevertheless, as he has placed his cause in the hands of the chargé d'affaires of his nation, who has transmitted it to the Department in charge of the undersigned, the Supreme Government will take such part in the same as is proper. What blame can attach to the Government, because, up to this time the suits instituted against Mr. Baldwin have not terminated in the respective courts, seeing that it has constantly done every thing in its power, which was to write to the authorities urging them to administer prompt and ample justice, by placing in their true light the acts of which he complained, and punishing those who might prove culpable? This is all the intervention which the supreme Executive power has in subjects of this nature; and the independence which has been placed between it and the Judiciary, would draw upon the Executive a heavy responsibility, if it should proceed in any other manner to administer the laws by itself. In the legation now under the charge of the honorable P. Ellis, there are many communications which prove that the Government of the undersigned has fulfilled its duties towards Mr. Baldwin, as the repeated orders which were given to the Governor of the State, now department of Vera Cruz, will show that it has never disregarded the obligation imposed upon it of giving due protection to all inhabitants of the republic, without, however, trespassing beyond the limits which the laws designate.

The undersigned cannot refrain from remarking, before leaving this point, that the conduct of said Baldwin has not been so circumspect and regular as is stated in his manifesto; since there have been instituted against him six criminal causes in the court of Acayucan; and there are other complaints against his proceedings, according to information lodged by the commissioner of Goazacoalcos, which will be duly made known

to the legation of the United States; and hence it is, although the Supreme Mexican Government might have had power to interpose more directly in these subjects, carried away by a desire to relieve the party interested from his sufferings, the course which the respective tribunals took would have prevented it from doing so; and resting upon these principles, the Department repelled the idea advanced by Mr. Anthony Butler, in his note of the 6th of September, 1833, relative to the case of Mr. Baldwin, that it would be treated as a national question between the United States and Mexico; because the case of an individual could not assume such a character, when it essentially belonged to the judiciary, and the Government had done all within its power and authority—much less when there were data so little favorable to the complainant. The light, then, in which the affair in question ought to be viewed, is, whether the Supreme Government has granted to him, or not, due comfort and protection; and it being demonstrated, as well by this clear exposition as by documents in the possession of the honorable Mr. Ellis, that it has been the first, the Government stands absolved from all claim than can be brought against it. But to give a new proof of the desire which has always animated it to bring about a prompt and happy termination of this subject for Mr. Baldwin, it has addressed an energetic representation to the proper authority, to the end that if there should be yet any cause pending, justice may be awarded to him with due promptitude and impartiality.

The documents existing in the Department under the charge of the undersigned, are not sufficient to form a distinct idea of the case relative to the occupation of the American brig *Topaz* by the Mexican authorities, to convey troops from Matamoras to Galveston; and the same have been therefore applied for at the Department of War, where they ought to be; but from those which are in the possession of the undersigned, he adduces that said brig was freighted by the commandant of Anahuac to convey the troops aforesaid; and that on the voyage, the mariners, wishing to possess themselves of the money which was on board, formed a plan to assassinate the Mexicans who manned the schooner, she being wrecked, and they having escaped in the boats. In fact, after having thrown Captain Ryder into the sea, and secured the troops in the hold, they proceeded to assassinate two officers of this republic, when one of them escaping, gave the alarm; the troops broke open the hatches, fell upon the authors of the mutiny, killed the pilot, who was the ringleader, and secured the others, in order that they might be tried; and although these attempts of the crew were attributed by them to the Mexican soldiery, two captains of other vessels of the United States, who arrived subsequently at Anahuac, and who believed it to be their duty to investigate the matter, decided against the mariners, upon hearing their contradictory testimony. If these have occurred as stated, it is very clear that no blame can be charged upon the Mexican Government for the death of the captain and pilot of the *Topaz*. But the undersigned will carefully examine the documents which he has called for, in order to fix these acts and that relative to the detention of the schooner in question.

As regards the case of the schooner *Brazoria*, it is evident, from the respective testimony in the case, that because of the bad condition in which she found herself in the port of Vera Cruz, in the year 1833, her



sale was determined on ; but as the commandant of marine for that department informed the Supreme Government that he had not, nor was it in his power, to give official information whether or not said vessel belonged to the national squadron ; and that he had simply heard it said she was the property of a citizen of the United States, pressed into the service of the colonists of Austin, to transport troops from Galveston to Matamoras, and that the owner had abandoned her with protest for loss and damage ; it was ordered by the Minister of War that the proceeds of the sale, if it should be effected, as well as recompense for the use which had been made of the vessel, should be deposited in the treasury of the same Department of Marine, to cover the loss and damage which the party interested had sustained ; to which end it was also recommended that a summary investigation should be made as to who was the owner. And hence it is, if he had presented his claim as it should have been, the same would have been liquidated immediately after the passage of the decree in his favor by the Supreme Government—a decree issued without any reclamation, either official or private, having been made, but prompted solely by the principle of justice which sustained the party interested. In virtue whereof, as soon as the documents, legally certified, shall be presented, proving the owner of said vessel, and all else that is necessary, suitable measures will be taken for such indemnification as may be just.

The claim of Mr. Aaron Leggett, a citizen of the United States of America, for the loss in Tabasco, during the year 1832, of his steamboat called "Hidalgo," has been submitted to due examination, and from this investigation it results that, according to contract, and in virtue of the privilege granted to said vessel, it was his duty to transport, gratis, national troops, whenever required by the public service, notwithstanding which, Leggett was paid at that time one thousand four hundred and thirty-three dollars and one real for freights ; that when the vessel was stranded she was occupied in the service of her proprietor, and not in that of the republic ; and this accident resulted from the bad condition of the boat and from the excessive cargo on board ; that neither the capital nor the means employed by Leggett could have effected the cutting of enough dye-wood to load the eight vessels referred to in his writings, since, according to the declarations of the contractors for cutting this wood, it was not to have been delivered until the year following that in which he suffered the damages complained of ; that Leggett having disapproved the contract which was concluded by his attorney, he could not then reckon upon freight for said vessels ; which annihilation of the contract obliged Messrs. Brown and Gallagher to dispose of their furniture and stock in trade, in order to pay the contractors for the wood ; and as this was situated forty or fifty leagues in the interior from the coast, it is evident that even when cut, some four or five months would be necessary to bring it to the point of embarkation. Nor could he have had a sufficient quantity to load the vessels referred to, inasmuch as it was impossible to obtain the one hundred and fifty thousand quintals of logwood which he mentions, with the small means wherewith he was provided. It is also evident that the value of Leggett's steamboat could not be more, according to some, than sixteen or eighteen thousand dollars, and according to others, from six to eight and from four to five thousand dol-

lars, and that said individual being a debtor to the public treasury for imposts due, he was forced to pay them, and a valuation of his effects being made by skilful persons by order of the competent authority, their just estimate was set down at the sum of fourteen thousand one hundred dollars.

In virtue of this exposition, the supreme Mexican Government conceives itself exonerated from paying to Mr. Leggett the sums which he claims for losses and damages, sums exaggerated by chimerical calculations, as is also seen by the same investigation; and hence it is the Government has determined that the party interested must go before the tribunals, whose access is open to him, should he even insist upon the matter, which, in its nature, admits of much litigation. These provisions, dictated by the minister of war, have been already made known to Mr. Leggett by the department in charge of the undersigned, and as he has not conformed to them, but has, in place of resorting to the tribunals, as is the law, for a judgment, repeated his instances before the Supreme Government, soliciting a new resolution, which, if it can be admitted by the attributes of the Executive, the undersigned will have the honor to communicate to the honorable Mr. Ellis as soon as it is made known to him by the respective department.

As soon as the Supreme Government received information of a publication made in New York by the captain of the brig Industry, Mr. McKeige, referring to what he had suffered in Tabasco, and complaining of the proceedings of the authorities and employees there, it ordered that a legal investigation of these acts should be instituted, which, having been done, and it being proved that the judge of the district and the commandant of the guard of that custom-house were guilty of the heavy charges alleged against them, a corresponding suit was ordered to be formed, and merited chastisement inflicted. This has been carried through all the forms prescribed by law, and for its speedy termination the undersigned has issued suitable directions to the end that, according to its result, just measures may be adopted to indemnify Mr. McKeige for the losses and injuries which were occasioned him by some individuals who, by their mercenary and imprudent conduct, have compromised the honor of their nation.

This is, as regards the imprisonment of Captain McKeige, and the sum of money exacted for his own and his vessel's liberation, and for the detention of the latter, since, as regards the crew of the same having been obliged to engage in a combat which occurred between the Government troops and other disaffected persons, it appears that the mariners entered voluntarily into that labor, and were not obliged by force, as the said captain of the brig asserts; and it further appears that the grievances which the captain says he suffered in prison are exaggerated, as well as that the military commandant of that city took any part in inflicting the wrongs of which he complains.

With respect to the case of the American brig Paragon, the Department of War not having communicated to that of Relations the result of the apprehension and trial which was ordered against the captain, officers, and men of the national schooner Tampico, as the chargé d'affaires of the United States was duly advised, the undersigned has issued a suitable order that he may be informed of what has occurred up to this time, with a view to communicate the same to the honorable P. Ellis.

The subject of the detention at Campeche of the American brig Ophir, reduces itself to the following: The visits of the military inspectors and of health were made, and before the arrival of the custom-house guard, the captain of the vessel demanded, with repeated urgency, that he should be permitted to go on shore; and this being granted to him, he maliciously attributed the measure to the captain of the port, supposing it had been done to prejudice him, when the truth is, it was granted at his own request, and he carried his impression to such an extreme as to accuse him before a tribunal and to ask his punishment for an act of pure condescension. On landing the captain of the vessel presented his private manifesto, omitting his general ones, whereby he became immediately responsible to the law, for which fault the judge of the district, considering that the vessel should answer for said general manifesto, which ought to have been presented in the very act of coming to anchor, agreeably to the requisitions of the law of the 31st of March, 1831, commanded that she should be properly secured until the conclusion of the trial which was about to ensue, and discharged the cargo. For this purpose, and fearing the escape of the vessel, he removed the sails, depositing them in store-houses, and placed over them a small guard, which was subsequently augmented; and he caused the vessel to be brought nearer to the city, because of the continued threats of her escape, of setting on fire the tar which she contained in order to destroy those who guarded her, and of others sufficiently insolent and insulting. In the mean time, the vessel was condemned to the penalty confiscation, but the captain having appealed from this sentence, and the judgment having passed through all its legal forms, the same was revoked, the vessel being ordered to be restored upon security, as was in fact done, and the captain again taking command of her; and when in virtue of this, he could navigate freely, he put to sea without any cargo whatever, leaving in the possession of the consul of the United States all his sea-papers; and this precipitate and clandestine step was occasioned by a dispute about the interests which the captain aforesaid of the vessel in question had with his surety.

It results from this exposition, that the Mexican authorities have not in any manner exceeded their powers, since the detention of the vessel had its origin in the want of her general manifesto; but when that was remedied, she was declared free, and so returned to her captain. Thus, then, it does not appear that the reclamation in this case is well founded, nor is there any justification, so far as the Mexican republic is concerned, for the injurious and highly offensive protest against its officers and employees, which the captain of the vessel in question noted before the consul of the United States in Campeche, actuated by the grievances referred to, which he brought upon himself, and which were acts determined by law. The Government of the undersigned, therefore, believes that that of the United States of America has been misinformed as to these events, and that, when advised of what has really occurred, it will disapprove the conduct of Captain Brittingham, of the brig Ophir, as well because of the inaccurate statements which he has transmitted to it, as of the protest aforesaid, wherein, with as much injustice as wantonness and audacity, he alleges so many charges against the Mexican republic; and upon which

particular, it does not appear that the cabinet at Washington have taken any steps, or even manifested its displeasure or its disposition to satisfy in any manner the just complaint of a friendly nation for so injurious a libel, notwithstanding the same was conveyed to it through the medium of the chargé d'affaires of the republic.

As it does not appear that any reclamation or complaint has been presented, up to this time, to the National Government, upon the impressment of the American brig *Martha*, by the Mexican called the *Montezuma*, and as the first intimation of this subject which the department in charge of the undersigned has had, is that communicated in the note of the honorable P. Ellis of the 26th of September last, no reply can be returned to it with due knowledge of the facts; and in order to do so, the proper authorities have been called upon to furnish the corresponding details and information, which the undersigned will have the honor to transmit to your excellency with all promptness.

In regard to the capture of the American schooner *Hannah Elizabeth*, the undersigned has recommended to the Minister of War the most prompt remission of the summary of proceedings upon this subject which the commandant general of New Leon and Tamaulipas was ordered to institute, as the undersigned had the honor to announce to the honorable P. Ellis in his note of the 17th of July last; and as soon as he can obtain the document he will communicate to him the result.

This Department has also called anew upon that of War for such facts as may come to hand touching the outrages which, it is said, were committed in Matamoras by a party of armed Mexican troops upon the consul and others, citizens of the United States, which formed the subject of the honorable Mr. Ellis's note, addressed to the undersigned on the 9th of September last; and he will take the earliest opportunity to advise your excellency of the same.

There being no previous information in this Department relative to the occurrences in the case of the schooner *Eclipse*, of Mobile, they have been requested to be furnished by the Department of Finance, for the purpose of answering under this head the note of Mr. Ellis, to which the present note of the undersigned refers.

As a consequence of notice had in Matamoras in April last, that some hostile vessels were cruising in our waters, and destined for that port, the commandant general of those departments ordered, as a measure of precaution, that the departure of every vessel from the bars of the same should be suspended, and that they should draw as near as possible to the city, in order that they might be protected by the fire from the plaza in case of aggression; but this provision, which lasted only a very few days, notwithstanding it was called for at the time by the best interests of the national service and the safety of the vessels aforesaid, was disapproved by his excellency the President, because the provision had not been dictated by the Supreme Government, which alone has the power to make use of this inherent right of all nations, instructing said commandant general that no port should in any event be closed without superior authority, because of the evils which might be occasioned to commerce. It appears that, on this occasion, no injury did result—at least the Supreme Government has heard no complaint of such, and the undersigned, therefore, believes that this would be considered a sufficient reply to the re-

clamoration growing out of the detention of the schooners Jane, Compeer, and other vessels of the United States of America—more particularly if it be remembered that the proceeding in question was not confined exclusively to them, but to all vessels then in Matamoras, whatever might have been their destination, including national ones.

The Government of the undersigned has no information of the act to which the honorable Mr. Ellis refers, of the American consul in Tobasco having been required by an alcalde of that city to authenticate, with his consular seal, certain public documents; and because of the same, in order to form a correct idea of the matter, a statement of the necessary facts have been required of that functionary, the result of which the undersigned will make known to the chargé d'affaires of the United States of America.

Your excellency, after specifying all the subjects which have been thus replied to, goes on to say that Mexican armed vessels have fired upon and insulted the flag of the United States of America; that her consuls have been maltreated and insulted by the authorities, private citizens assassinated, arrested, and scourged like malefactors; their property condemned and confiscated, &c.; but as these charges are made in terms so general, the Supreme Government of the republic desires that they may be specified, before taking them into consideration. The Government would have taken as much pleasure in repairing losses and injuries which have been unjustly suffered in Mexico by citizens of the United States, and in giving satisfaction for insults inflicted on the flag of the same, as is the feeling of regret which has been caused by some reclamations, which are either unfounded, because those who present them have rendered themselves liable by their own conduct to proceedings intended to correct abuses and arbitrary acts; or, if they were in truth committed in the republic, it has been against the constant desire of the National Government that there should be preserved in all parts those considerations due to the citizens of friendly Powers; against its efforts and endeavors that there should exist no difference between them and the natives of the country; and, in fine, against its repeated dispositions that before all tribunals and authorities they should receive protection, and speedy and ample justice be awarded to them. Because of this, and with the object of vindicating the national honor, so far as it can be compromised by the acts to which the honorable P. Ellis collectively refers, and of giving new proofs of the rectitude, probity, and decorum of those principles which have in all time governed the conduct of the Supreme Mexican administration, it will esteem it a favor to receive a statement of all existing causes of complaint, promising justice and impartiality towards that of the United States of America, who will be convinced of the exaggeration used by the claimants in presenting their demands, through motives which it is needless to mention—endeavoring thereby to reap advantages which they could never otherwise obtain, and to escape punishment for misdemeanors which they commit in contempt of the laws of the country where they prosecute their speculations, although it may be at the expense of compromising the friendly relations and good harmony between this and the nation to which they belong.

But although the Government of the undersigned may be thus willing to admit the just demands which may be presented, and ready to repair

the injuries which have been occasioned in this republic to the parties interested in them, it cannot be indifferent to the crimination made in the note of the Hon. P. Ellis, to which the undersigned is now replying, when it is constituted the author of *illegal, arbitrary, and violent acts*—acts in which, if they have been committed, the Government has had no part whatever, inasmuch as they owe their origin to authorities and private individuals, and those which have come to its notice have met with their merited displeasure and reprehension. Not one single act can be adduced in which the Supreme Government has manifested, even remotely, a disposition the least unfavorable to the preservation and extension of friendly political relations with foreign Powers; and on this account believes that it has not deserved these reproaches, nor that there should have been practised towards it a feeling of *indulgence* on the part of any of them, such as the Hon. Mr. Ellis ascribes to the President of the United States; a feeling which in such cases is degrading to the party in whose favor it is exercised. Even supposing that the claims of the citizens of the United States against the Mexican republic had acquired all that degree of certainty and justice necessary to deduce the obligation of the same to accord to them due satisfaction, if the Government has not denied such satisfaction, it does not merit the application of this spirit of indulgence or toleration: how much less then, does it deserve the exercise of that spirit, when all such proofs are wanting in the reclamations in question, and when it has not resisted the adjustment of them? Hence it is that the Government of the undersigned has seen with surprise and regret these phrases and others in the note of the honorable chargé d'affaires of the United States, and, prompted by its own dignity, by its decorum, and by the national honor, it commands the undersigned to convey these sentiments to your excellency, and to state to you that the Government is now disposed, as it ever has been, to fulfil its obligations as prescribed by the law of nations and the special treaties which have been concluded by the republic, and as it has in fact fulfilled them in as many cases as have been presented. It will listen with pleasure to the reclamations which may be presented founded in justice, as those no doubt will be to which the honorable P. Ellis alludes, since the Government of the United States will have divested them of the exaggerations and falsities with which the parties interested are accustomed to surround them, and from the gratuitous charges of violence and arbitrariness which they attribute to the authorities and officers who, in the fulfilment of their duties, take care that the laws of their country are enforced with the most rigid and exact application.

The undersigned cannot conclude this communication without making, although with reluctance, the observation that the very frequent complaints and demands on the part of the citizens of the United States, could be much better alleged against them for the irregular conduct which, in many cases, they have practised in the prosecution of commerce. The contraband which they have been engaged in, especially in Texas, is notorious, and often protesting an ignorance which they could not have, of the laws of finance, they have omitted the requisites, or documents exacted by these, thereby giving rise to the confiscation of their cargoes or vessels, to the imposition of fines and other penalties, against which they declaim without reason, because they are founded in

justice, paying no attention to the truth that they ought to be subject to the laws, usages, and statutes of the country wherein they carry on their mercantile speculations—a measure natural in itself, and expressly provided for in the 3d article of the treaty of amity, commerce, and navigation.

It is not intended by this that the Government of the undersigned confounds in these inequalities all the citizens of the United States; it knows and is certain that there are many to whom no reproach whatever can attach, since they have demeaned themselves with every delicacy, honor, and circumspection, in all employments to which they have devoted themselves; nor much less must it be supposed that the Mexican Government throws out these ideas to form matter of reclamation against the Government of Washington, for it well knows that, from the conduct observed by the citizens of that nation, no responsibility can result to it, both because it cannot control the same, and because it has in no manner approved such conduct. These same considerations should operate towards that of the Mexican republic, as regards the misdemeanors which have been committed by citizens of that country; circumstances which ought not to be viewed by either the one or the other Government as indicating a disinclination to cultivate and extend their relations, nor as a neglect or an omission to impart to them that protection which they are bound to afford by the law of nations and the treaties which they have concluded. In proof of this conviction of the Supreme Government, the undersigned will remark, in passing, that not even the recent event touching the Mexican schooner *Correo*, was thought to have compromised that of the United States: its reclamations were directed with a view of putting a stop to the scandalous proceedings of the authorities of New Orleans, towards a vessel of war belonging to a friendly nation, and Mr. Ellis well knows that, on the other hand, his Government abstained from all intervention in a most direct, clear, and undeniable insult, inflicted on the Mexican flag, because the subject was pending before the judicial power of that country. The undersigned protests that these applications are not adduced for the purpose of warding off satisfaction for the just reclamations which the Government of the United States may have against this: far from it, he has said, and he repeats, that the latter is ready to prove as much, and he has sought only to show that in these it has had no part; that in those which have occurred it has fulfilled its duties; and that, if it has not been more obsequious to the complaining, it was because the fundamental laws of the country have too well defined its powers, and hence it will be seen that it is unjust to blame the Government because these powers have not been extended so far as might be desired, in order to render more effective the protection which it owes to the citizens of friendly nations; but if these citizens do come into the republic, knowing its laws, and knowing also that they are to be subject to them during their residence in the country, both in their professions and speculations, it is so much the more unjust that the Government should be condemned for not being at liberty to proceed in any other manner than that specified in these same laws.

The undersigned has now replied to the note of the honorable P. Ellis, with such observations as he believed appropriate, and to all the points embraced in it, although important data upon some of them are wanting,

yielding, as has been before said, to the urgency of his excellency, that he might receive a prompt reply: This urgency would have had nothing strange in it, if it had not been accompanied by an intimation that the honorable Mr. Ellis would retire from his public functions in case of not receiving a response as early as was desired. This was the more unexpected to his excellency the President *ad interim*, inasmuch as he did not deem a delay in the reply depending solely upon causes which the undersigned had already made known, a sufficient justification for such a step; and when he knew on the other hand, that even the cabinet at Washington had not given any reply to the Mexican minister in those States up to the 4th of October, to notes which he addressed to it in the months of August and September; and upon subjects of the greatest importance to the interests of the two nations; but, be this as it may, the undersigned has complied with his duty, so far as it has been possible. He again offers to transmit to the honorable Mr. Ellis the result of the information and documents which he has called for, as mentioned in their respective places; and he avails himself with pleasure of this opportunity to renew to his excellency the assurances of his very distinguished consideration and esteem.

JOSE MARIA ORTIZ MONASTERIO.

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No 56.

*Mr. Ellis to Mr. Monasterio.*

LEGATION OF THE UNITED STATES OF AMERICA,  
MEXICO, December 7, 1836.

To his Excellency JOSE MARIA ORTIZ MONASTERIO,  
*Acting Minister of Foreign Affairs:*

The undersigned, chargé d'affaires of the United States of America, has the honor to acknowledge the receipt of your excellency's note of the 15th ultimo, in answer to his of the 26th of September last past, in which your excellency states that it is necessary to establish a preliminary basis in reference to the true interpretation of the 14th article of the treaty of amity, commerce, and navigation, subsisting between the United States of America and the Mexican republic, before a final answer can be given to the various reclamations preferred against this Government. That article provides that "both the contracting parties promise and engage to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in their territories, subject to the jurisdiction of one or the other, transient, or dwelling therein, leaving open and free to them the tribunals of justice, for their judicial recourse, on the same terms which are usual and customary with the nations or citizens of the country in which they may be; for which they may employ, in defence of their rights, such advocates, solicitors, notaries, agents, and factors, as they may judge proper, in all their



trials at law ; and the citizens of either party, or their agents, shall enjoy in every respect, the same rights and privileges, either in prosecuting or defending their rights of person or of property, as the citizens of the country where the cause may be tried."

That part of the treaty above quoted, it is alleged, provides for the redress of most of the complaints of citizens of the United States against this Government in the judicial tribunals of the country, where alone they are properly cognizable, and which cannot now be made the subject of diplomatic discussion and arrangement between the two Governments.

It would seem from the terms and spirit of the compact itself, that the acknowledgment of this right in the treaty, placing citizens of each nation on the same footing with natives in their courts of justice, was with a view to prevent the delays incident to an appeal to the Government of the injured party ; but its admission, although under such high authority, cannot be considered as amounting to the extinction of all other modes of redress before existing in relation to the same subject. If such had been the intention of the contracting parties, they would have so expressed themselves ; and, in the absence of any limitation of the kind, a fair and just construction of the treaty will leave no room to doubt the intention of the two Governments at the time of its execution. The first clause of the conventional law in question expressly guaranties special protection to the persons and property of the citizens of each other : with what reason, then, can it be said that the courts of the party from whom reparation is demanded, and which may refuse to award justice, shall be the exclusive judges of the injury sustained by the citizens of the other ? It is the peculiar attribute of sovereign power to ask for redress from an offending nation, when there may be just cause of complaint, and to pursue such measures as the law of nations may allow in the vindication of its rights. If the language of that article confines citizens of the United States to seek protection in the judicial tribunals of the country, in certain cases, it would follow as a necessary consequence that their decisions would be final ; the complainant could not look for redress beyond the ermine of the bench. He would have to submit to its judgments, however erroneous and unjust they might be ; and, in that event, the courts of the Supreme Mexican Government would become the sole arbiter between the two Governments on all questions arising out of the infraction of treaty stipulations, in which the United States might feel it to be her duty to protect the commercial interests of her citizens. Such a doctrine, the undersigned is well persuaded, cannot be sustained either upon principle or precedent. It will be recollected that many of the claims now urged for adjustment arise out of the illegal seizure and condemnation of vessels and cargoes by the same tribunals to which your excellency is pleased to say we can alone resort for indemnification. To call upon the judges of these courts, under such circumstances, to reverse their judgments, and to declare to the world the errors in the rendition of their previous decrees, would be a useless waste of time, and if, as it appears, such a course is to be insisted on, it can be viewed in no other light than as a rejection of these claims by the Mexican Government. When a vessel is illegally seized by the officers of a Government, the injury is twofold : first, in relation to the individual injury sustained by all

interested in the vessel and cargo ; and, secondly, in relation to the right which the Government of the injured party has to make such seizure the subject of diplomatic inquiry and reclamation, if it shall be found that the proceedings had in the case are in contradistinction to the well-established principles of international law. If this be true, the decisions of the courts of Mexico cannot be held as final, inasmuch as the United States would thereby be precluded from the exercise of an unquestioned right of sovereignty to make investigation into all cases where complaints are made, to the end that she may extend her protection to those entitled to receive it. It is not contended that the Government of the undersigned claims the right to reverse the judgments of the courts of the Mexican republic ; but if the property of her citizens has been seized and condemned in violation of the law and usages observed among all nations in their commercial intercourse with each other, it is her province, as it is her duty, to protect them in the enjoyment of their acknowledged rights. What has been the practice of other nations under similar circumstances ? Many of the Governments of Europe have acknowledged the reclamations of the United States against them, without urging the pretension (now advanced by Mexico, under the 14th article of the treaty before cited) to avoid a just responsibility for spoliations committed by them on the commerce of a friendly and neutral Power. It is believed, in all the instances alluded to, citizens of the United States enjoyed the same privileges that those now resident in Mexico do, under treaty stipulations. Notwithstanding which, when they asked, through their Government, reparation for the wrongs inflicted upon them by those Powers, they were at no time referred to the judicial tribunals of the country, as the only means of obtaining redress, although in many of the seizures then made, there was no final condemnation passed ; yet all such cases formed the subject of reclamation on the part of the United States, and were ultimately acknowledged as just. These impressions, which have been made upon the mind of the undersigned by a review of the question under consideration, have led him to the conclusion that the opinion expressed by the honorable Mr. Monasterio, which limits citizens of the United States, having certain claims against this Government, to a resort to the judicial tribunals of Mexico for indemnity, is wholly indefensible.

In the case of John Baldwin, your excellency remarks that, whatever may have been the grievances borne by him, and however arbitrary the acts of the Mexican authorities, the party interested ought to have sought reparation for them, and punishment of his aggressions, before the proper tribunals ; that the conduct of said Baldwin has not been so circumspect and regular as he has represented, inasmuch as there have been instituted against him six criminal prosecutions in the court of Acayuean. As to the prosecutions alluded to, upon an examination of the records of the court where they were instituted, it appears that, in the year 1832, a criminal process was served on John Baldwin, as a smuggler of cochineal, by the collector of rents at Petapa. The judge before whom the action was brought ordered his personal effects to be, in consequence, confiscated ; but that functionary being declared incompetent to decide in the matter, it was removed to a legally constituted

tribunal, where it was proven that Baldwin had fairly acquired the cochineal in question, and travelled with it in the most open and public manner. The accuser himself testified that he had seen Baldwin collecting cochineal; that his only ground of suspicion was the fact of having been informed that he had left Petapa, and taken the direction to Malpaso; and that he himself did not know that Baldwin had ever conveyed cochineal to Malpaso, with or without custom-house passes; nor was the circumstance of his alleged illegal trade established by any witness. The counsellor to whom the matter was referred, absolved the party accused from the charges preferred against him, and ordered a restitution of the embargoed effects. The judge of Tehuantepec confirmed this opinion of the counsellor, and ordered the junta-central of that place to reimburse the sufferer. A small portion of the effects, only, were returned. Availing himself of the law, which makes every individual member of such bodies responsible in such cases, Baldwin brought a demand for the balance of his goods against Juan José Salinas, the only one of the junta who was able to pay; but the influence and power of this person were so great as to prevent the judge from executing his sentence, and even to jeopardize the life of Baldwin, who, from considerations of personal safety, had to abandon the prosecution of his claim, and leave the country. Notwithstanding the result of the prosecutions at Acayucan, and the cruel and "scandalous proceedings" of the authorities at Guazacualco exercised towards this unfortunate individual and his family, (for the life of his wife was attempted by one of the soldiers snapping a pistol at her breast, while in the pursuit of Baldwin, in his own house,) and his acquittal from the false charges preferred against him, and the manifest inability of the civil authority to protect him, he is now, after a lapse of five years, to be turned over to these identical authorities, who have been the cause of all his sufferings, to redress his wrongs—although it is confessedly true that this Government is bound to protect the persons and property of all American citizens in the United Mexican States! The inability or failure of the judiciary to protect Baldwin, he having, in the first instance, sought satisfaction before that forum, cannot absolve this Government from its obligation to fulfil its duties in regard to a citizen of the United States resident in the country; and whatever may have been his indiscretions, he is liable to the penalties of the law for his improper acts—but they will not excuse, much less justify, his persecutions at Minatitlan and elsewhere.

In the case of the schooner *Brazoria*, the undersigned is happy to see a recognition of its justice. He would, however, beg leave to say, that the valuation of the vessel, at the time of her impressment into the service of the colonists of Austin, must be considered the standard of indemnity, and not the product of her actual sale, under an order of the Mexican Government, after she had been seriously damaged, during twelve months' service, in time of war.

In reference to the claim of Aaron Leggett, your excellency states that, after an examination of the case, it appears that, according to contract, and in virtue of the privilege granted to the steamboat of complainant, it was his duty to transport, gratis, national troops whenever required.

by the public service. From the third article of the decree of the Congress of Tabasco, bearing date the 18th of November, 1831, it will be seen that William H. Brown, "or those who exercise his rights and interests, (Leggett claims under Brown,) are under obligation to take on board such boats, troops, and correspondence of the nation to any navigable point of the State whatever, without any compensation: provided such troops are ready to march from the places whence any boat of those mentioned is to start, and it be on the same day of her starting." So soon as the grantee of the steamboat privilege in question fulfilled the precedent conditions required by the decree of Congress, his rights to the benefit of the law became vested, and no subsequent act of the State of Tabasco, or of the Federal Government, could deprive him of them without incurring the just responsibility of remuneration. The forcible seizure and detention of the *Hidalgo* on the 2d of July, 1832, by order of the commandant general of Tabasco, and her employment in the public service until sometime in August thereafter, to the great detriment of her owner, were not warranted either by the letter or the spirit of the law conceding to Mr. Leggett the exclusive privilege to introduce and navigate all kinds of steamboats in all the rivers, creeks, and lakes, belonging to the territory of the State, for the term of ten years.

He was only bound, by the terms of the grant, to convey boats, troops, and correspondence to any navigable point within the State; *provided, however*, that the troops were ready to march on the day appointed for the sailing of the boat. This agreement to perform a particular service under limited restrictions, certainly gave no authority to take possession of the *Hidalgo*, and appropriate her exclusively to the use of the State. These proceedings have been injurious to Mr. Leggett; he had, under charter parties, contracted to load six or eight vessels with logwood at San Juan Bautista, in the months of June and July, in the year 1832; but was wholly unable to do so, in consequence of the seizure of the steamboat *Hidalgo*, the schooner *Consolation*, and the brig *John*, then engaged in freighting dye-woods from the interior to load said vessels. The supposed limited means of Leggett to accomplish this object, and to fulfil his contracts with others, though in the possession of his vessels, can in no wise justify the illegal acts of their seizure, whereby he was prevented from meeting all his engagements. The facilities afforded by the power of steam navigation, it cannot be doubted, would have enabled him to load and despatch all the vessels referred to in his memorial, had not the intervention of the superior power of the Government prevented it. This fact, it is believed, is clearly established by the statements of William A. Brown, José Leonardo and Francisco Abieu, and Cesario and Francisco Dominguez, all of whom state that the contracts for logwood entered into by Brown and Cobagan, on account of Leggett, called for the cuttings of 1831; and that there was a large quantity, some say fifty thousand quintals, on the banks of the rivers Usumacinta and St. Peter's, ready for delivery in June and July, 1832. Hence, it is evident he could have complied with his contracts to the woodcutters, and the injury arising from the failure to do so properly attached to those who prevented it, and they are, upon every principle of justice and equity, responsible for the same. From these statements, resulting from documentary evidence in the possession of this legation, it appears your excellency has

misapprehended the true state of this claim, and the ground upon which reclamation is asked in favor of the memorialist. The justice of it is manifest, and the corresponding obligation of the Mexican Government to liquidate the same arises out of treaty stipulations, which never will be disregarded by a wise and just nation. It was so admitted by his excellency General Antonio Lopez de Santa Anna, soon after his elevation to the executive chair of the republic, who conveyed to the predecessor of the undersigned the expression of his regret that the condition of the public treasury was such as not to enable him to order the immediate reimbursement of the losses sustained by Mr. Leggett, as set forth in his memorial.

In the case of the brig *Ophir*, documents in this office satisfactorily prove that Captain Brittingham was provided with his general manifesto; that it was the fault of the officer who boarded the vessel on her arrival they were not exhibited at the custom-house; and that they were produced as soon as practicable after the captain was made acquainted with their importance, and the necessity of their production in order to save his vessel from condemnation. The very fact of the judgment of the inferior court (before which the cause was first brought) having been reversed, is sufficient proof of its injustice, and leaves clear the responsibility of this Government to indemnify the owners for the loss of time and property occasioned by its agents, who arraigned an innocent person upon charges which they were unable to establish.

As regards the "injurious and highly offensive protest" of Captain Brittingham against the officers and employees of this Government, your excellency having been pleased to bring the subject directly to the notice of the cabinet at Washington, the undersigned will leave its arrangement to that authority.

The detention of certain American vessels at Matamoras in the month of April last, was in violation of the eighth article of the treaty subsisting between the two nations. But even in the absence of such a guarantee, the admission of your excellency that the port was closed by incompetent authority, is a satisfactory ground, upon general principles of maritime law, on which the reclamation for losses sustained by the owners can be maintained; and that they expect damages in the several cases of the brigs *Jane* and *Henry*, the schooners *Compeer* and *Nile*, and the sloop *Supply*. The undersigned will suggest that he cannot admit the impressions of this Government as to whether or not the detention of said vessels was productive of injury, as the rule by which the question is to be decided; and that the fact of the embargo in question having extended to other vessels than those of the United States, does not legalize the act without admitting the corresponding indemnification due under such circumstances.

A condensed summary of the wrongs inflicted upon citizens of the United States, in the note of the undersigned of the 26th of September last, to which your excellency seems to think it will be unnecessary to make answer, without further specification, is nothing more than the imbodyed substance of the cases previously referred to in that note—scarcely one of which has been satisfactorily answered by the Supreme Mexican Government.

Your excellency has taken occasion to state that the Mexican Govern-

ment "cannot be indifferent to the crimination which is made in the note of the honorable P. Ellis," wherein it is constituted "the author of illegal, arbitrary, and violent acts." The undersigned cannot refrain from expressing his regret that the acting Minister of Foreign Affairs should have permitted himself to fall into this (no doubt unintentional) error. By a reference to that note, it will be seen that there is no such charge advanced against the Mexican Government; but it has been most unequivocally made against its officers; and the indisposition or omission of the constituted authorities here to check their aggressions on the rights of a neutral nation, have led to reclamations on the part of the United States, characterizing the acts of the offenders in terms suited to the nature of their delinquency. This is all that has been said; nor is he aware of its injustice, since it has not been shown that the alleged charge of the firing into the *Paragon* and *Hannah Elizabeth*, by officers bearing the commission of this Government, were not acts of violence inconsistent with the friendly relations existing between the two countries. These have been represented as such long since—the first on the 10th of August, 1834, and the other on the 30th of May last; and the reason assigned for the protracted delay in rendering a just response to the statements made touching these outrages is, that the appropriate department has not furnished the necessary documents for that purpose. Other cases equally aggravated and injurious to the honor and interests of the United States have not been noticed. Still it is urged, "not one single act can be adduced in which the Supreme Mexican Government has manifested, even remotely, a disposition in the least unfavorable to the preservation and extension of friendly political relations with foreign Powers!" It is not the wish or design of the Government of the United States to cast reproaches upon that of Mexico; nor can it, consistently with the uniform policy heretofore observed towards this country, admit the correctness of those imputed to it on the present occasion. The assurance given that Mexico is disposed, as she ever has been, to fulfil her obligations, as prescribed by the law of nations and special treaties, is received with that respect due to the high source from whence it emanates. But it may be with deference asked, if all the duties enjoined by such high sanctions have been fulfilled, why have not the numerous reclamations presented by the honorable Mr. Poinsett and Mr. Butler, for the last ten years, been favorably received, and acknowledged to be just, or rejected without delay? Surely all of them are not founded in the fraudulent practices of contrabandists, who seek to advance their fortunes in violation of the laws of the country, and at the hazard of jeopardizing the peace and tranquillity of two friendly nations! It is not the intention of the undersigned to protect or justify any of his countrymen who have so far transgressed as to render themselves obnoxious to the laws of the country affording them protection during their temporary residence in it; but he cannot remain insensible to the charge made against them of being notorious smugglers: such is not the character of the American merchants in the United States; and it is wholly inconceivable how they should have fallen into such disgraceful practices at so early a period after their arrival within the limits of the Mexican territory. Charges of this kind have been repeatedly made in the public prints of this country: thus presented, they have been considered

unworthy of notice; but when they are countenanced and indirectly sanctioned by the authority of the Supreme Government, conveying as they do the injurious imputation that the President of the United States, with a full knowledge of these facts, is urging claims founded in fraud and corruption, it becomes necessary, from a high sense of duty, to repel them as utterly unfounded. The remarks referred to were the more surprising, since the undersigned distinctly informed his excellency, the acting Minister of Foreign Affairs, in his note of September last on this subject, that he was instructed by the President of the United States to press these claims on the Mexican Government for final adjustment.

In speaking of the causes of complaint on the part of this Government against that of the United States, Mr. Monasterio has referred to the arrest and trial of Thompson and O'Campo, of the schooner *Correo*, as an "undeniable insult inflicted on the Mexican flag." In that case, it is well known the Government of the United States did not order the prosecution of Thompson and O'Campo. It is equally well known said Thompson was discharged by order of the district court of the United States for the eastern district of Louisiana, when the person who had him arrested for supposed piracies committed on American vessels, failed to prove the allegations brought against him. The schooner was at the same time restored to the Mexican consul in New Orleans.

The *Correo* was captured by a merchant vessel, the *San Philipe*, and taken to New Orleans, where Captain Hurd and others made oath that Thompson had attacked the *San Philipe*, with a felonious intent to rob said vessel, contrary to the provisions of the act of Congress of the 3d of March, 1825, and it therefore became the imperative duty of the district attorney of the United States to prosecute the person thus charged. If the court had proceeded to the condemnation and punishment of the accused, and the confiscation of his vessel, contrary to law and evidence, (she being regularly commissioned in the service of this Government,) there might be some pretext for an inquiry into the case, with a view to ask explanations of the United States. But this will not be said, as Thompson failed to produce such commission on his trial to give color of authority to his acts. Hence it is, as the national character of the vessel was not established by adequate proof, there could be no ground for interference on the part of your excellency in favor of one who had thrown himself beyond the protection of the law of nations, in his attack on the *San Philipe*, and much less could the President of the United States be called on to interpose and screen him from the penalties of the law. No nation has a right to call on another to respect her flag in the person of an individual sailing on the high seas without suitable papers to show his true character, after he has been captured for a violation of the neutral rights of others. But, admit for a moment that the commander of the *Correo* bore a commission from the Mexican Government; yet the flag raised by virtue of such authority gives no protection to him, if his acts are piratical. It is true he was discharged—not acquitted; and it appeared on the trial that his conduct had not been of such a character as to entitle him to the favorable consideration of the jury, some of whom entertained the opinion that he had been guilty of piratical practices, and ought to be punished; but the interposition of the authority of the judge set the offender at liberty. It cannot, then, be well conceived upon what

principle his trial, discharge, and the restoration of his vessel, can be urged as an insult to the Mexican flag.

Your excellency requests that a full statement of all claims on the part of citizens of the United States may be presented for consideration; but from the manner in which those already in the possession of this Government have been disposed of, the undersigned can see no good likely to result from such a course. If those that might be presented should be all acknowledged as just, yet, so long as the several cases of unprovoked and inexcusable outrage inflicted on the officers and flag of his country, which have been heretofore submitted to the Mexican Executive, remain unsatisfactorily answered, he would have but one course to pursue; nor could he find himself justified in departing from it, when he remembers, in connexion with the past, the recent occurrences at Vera Cruz in the seizure of the American brig Fourth-of-July, and the reappointment of the former commandant general of Santa Anna de Tamaulipas to an important military post. The first was in disregard of every principle of public law; and in the second, it cannot have been forgotten that that functionary was but lately removed from office for his arbitrary imprisonment of an officer and boat's crew of the United States cutter Jefferson, with a promise (as one of the express conditions had in the arrangement of the affair) that further and exemplary punishment should be visited upon the offender. Instead of punishment, he has received reward. With all these facts before him, the undersigned entertains no hope of a satisfactory adjustment of the questions in controversy between the United States of America and Mexico. He has patiently waited three weeks for some evidence of a more favorable disposition to render justice to his injured country, but he has waited in vain; and, whatever may be the consequences, he now feels it to be his duty, in compliance with instructions, to request that his excellency the President *ad interim* will be pleased to furnish him with the necessary passports to leave the Mexican republic, and that suitable orders may be given for a guard to protect him on the road to Vera Cruz.

The undersigned profits of this occasion to tender to his excellency, the acting Minister of Foreign Affairs, the assurance of his high and distinguished consideration.

POWHATAN ELLIS.

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No. 57.

*Mr. Ellis to Mr. Monasterio.*

LEGATION OF THE U. STATES OF AMERICA,  
MEXICO, December 22, 1836.

The undersigned, chargé d'affaires of the United States of America, has the honor to inform your excellency that he will take his departure from this capital on Monday morning next, at four o'clock, A. M., for Vera Cruz; and requests that his excellency the President *ad interim* of the Mexican republic will be pleased to furnish him with his pass-



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ports on the 24th instant, and that orders may be given for a suitable guard to escort him on the road to his destination.

The undersigned begs leave to renew to his excellency José Maria Ortiz Monasterio, the acting minister of foreign affairs, the assurance of his most distinguished consideration and high personal esteem.

POWHATAN ELLIS.

To his Excellency JOSE MARIA ORTIZ MONASTERIO,  
*Acting Minister of Foreign Affairs.*

No. 58.

(No. 44.)—*Mr. Ellis to Mr. Forsyth.*—Extract.

LEGATION OF THE UNITED STATES OF AMERICA,  
MEXICO, December 23, 1836.

SIR: I do myself the honor herewith to transmit a copy of the correspondence between his excellency the acting minister of foreign affairs and myself, in the case of the American schooner Bethlehem, seized at Campeche; also, Mr. Monasterio's reply to my note of the 15th of September last, in the case of the schooner Peter D. Vroom; also, that to my note of the 20th of September, in the case of the brig Aurora; and, also, a reply from the same to my note of the 9th of September, in the case of William Hallett and Zalmon Hull.

I have the honor to be,

With the greatest respect,

Your obedient servant,

POWHATAN ELLIS.

Hon. JOHN FORSYTH,  
*Secretary of State, Washington city.*

No. 59.

*Mr. Ellis to Mr. Monasterio.*

LEGATION OF THE UNITED STATES OF AMERICA,  
MEXICO, November 14, 1836.

The undersigned, chargé d'affaires of the United States of America, has the honor to represent to your excellency that it again becomes his duty to notice an aggression on the flag of his country by the authorities of the Supreme Mexican Government.

The American schooner Bethlehem, S. H. Moore, master, with a cargo regularly despatched from the Balize, Honduras, for Tampico, was forced by want of water and provisions, towards the close of August last, to put into the port of Campeche. Whilst proceeding thither, she was, on the 2d of September, boarded by Captain Thompson, of the Mexican navy, who took possession of the schooner, and sent her master, crew, and papers on board the flag-ship of the Mexican squadron in the Gulf

of Mexico. They were there detained (some of the sailors in irons) until the 22d of the same month, when the master and crew were released from their imprisonment; but the papers were retained by the commander of the squadron. On the landing of Captain Moore, he was notified by an escribano that his vessel had been condemned by the district court to be confiscated, and he to be banished five years from the trade. The schooner is, now in the use of the Mexican squadron as a store-ship. These proceedings were had without the party accused (the master) being present at his trial, or informed of the charges alleged against him, or heard in his defence either personally or by counsel; and he was, both before and after his trial, refused a copy of the *expediente* which had been drawn up against him, and which purported to contain the grounds upon which his own and his vessel's condemnation were based.

The undersigned requests that your excellency will be pleased to order a copy of all the judicial proceedings had in this case to be furnished to the parties interested; that you will further institute an investigation as to the legality of these proceedings; and that, if they be found erroneous, you will cause the vessel, her cargo, and papers, to be forthwith delivered over to the master, with equitable damages for their detention.

The undersigned again presents to your excellency the assurance of his personal esteem and consideration.

POWHATAN ELLIS.

To his Excellency JOSE MARIA ORTIZ MONASTERIO,  
*Acting Minister of Foreign Affairs.*

No. 60.

*Mr. Monasterio to Mr. Ellis.*

PALACIO DEL GOBO. NACIONAL,  
MEJICO, 17 Nove. de 1836.

El infrascrito, oficial mayor, lo. Encargado del Despacho, de la Secretaría de Relaciones, tiene el honor de comunicar al He. Sr. Powhatan Ellis, que hoy se transcribe al Ministerio de Justicia, para que dicte la resolucion conveniente, su nota de 14 del actual, relativa á la acaecido en Campeche á la Goleta Norte Americana Bethlehem, cuyo resultado comunicará el qe. subscribe á S. Señoria, reproduciendole, entretanto, las protestas de su muy distinguida consideracion.

JOSE MARIA ORTIZ MONASTERIO.

Al He. Sr. POWHATAN ELLIS,  
*Encargado de Negocios de los E. U. de America.*

No. 61.

*Mr. Monasterio to Mr. Ellis.*

[TRANSLATION.]

PALACE OF THE NATIONAL GOVERNMENT,  
MEXICO, November 17, 1836.

The undersigned, chief clerk, acting Secretary of Relations, has the honor to inform the honorable Powhatan Ellis that, with a view to

a convenient decision upon the matter, he has referred to the Minister of Justice his note of the 14th instant, relative to the transaction at Campeche, in which the North American schooner Bethlehem was concerned. The undersigned will communicate the result to your excellency, and meanwhile offers assurances of his very distinguished consideration.

JOSE MARIA ORTIZ MONASTERIO.

To the Hon. POWHATAN ELLIS,  
*Chargé d'Affaires of U. S. of America.*

No. 62.

*Mr. Monasterio to Mr. Ellis.*

PALACIO DEL GOBIERNO NACIONAL,  
MEJICO, 21 de Noviembre de 1836.

El infrascrito, oficial mayor, 1o. de la Secretaria de Relaciones, encargado de su despacho, tiene el honor de comunicar al He. Sr. Powhatan Ellis, que por el Ministerio de Justicia se le han transmitido los informes, correspondientes acerca del asunto de la Goleta Americana, *Peter D. Vroom*, á que se referirá la nota que el He. Sor. Ellis dirigió al que suscribe, con fecha 15 de Setiembre ultimo. El relato de esta, en cuanto á lo acaecido con ese buque, está conforme con lo que aparece de dichos informes, pero difiere en el aspecto bajo que se representa la conducta observado, por el tribunal mercantil de Vera Cruz, con la que ha tenido respecto del consul de los Estados Unidos en aquel puerto. Hecho un abandono formal de cargamento por D. Cresencio Boves, á quien venia consignado, el tribunal, conforme á lo que esta provenido debió proceder, y procedió en efecto, á nombrar una persona que encargandose de aquel practicase, todo lo demas conducente hasta su venta, y deposito del producto de esta a favor de los dueños ó aseguradores del buque, y el referido consul debió abrar de acuerdo con ella, pues es á lo que se limitan sus funciones, en casos de esa naturaleza. El nombramiento de persona depositaria no habria tenido lugar si hubiese habido alguna otra que se hallase con poderes de los espresados dueños ó aseguradores, el consul no los tenia, por consiguiente no podia, recaer en él aquel encargo, y esto es lo que ha dado origen á la queja que ha elevado al He. Sor. P. Ellis, pero ya se ve que el tribunal, sin ese requisito, no debió concederle el deposito del cargamento, como reclamaba, pues por solo su caracter consular, no le competia, y que no se hallaba con los poderes necesarios, es muy claro, pues confesó desde un principio, que ni aun conocia ó sabia quienes eran los aseguradores de dicho buque, ni los presentó despues, por que si lo hizo de una carta particular del capitán del mismo Mr. E. F. Kelly, fué con otro motivo y despues de vendidos los efectos salvados del naufragio de la *Peter D. Vroom*.

Resultado de lo espuesto que el consul de los Estados Unidos no tenia derecho alguno para, solicitar que se le entregase el deposito y manejo

del cargamento en cuestion ; que el tribunal mercantil de Vera Cruz se lo nego, fundado precisamente en las ordenes del Supremo Gobierno de 26 de Agosto y 4 de Octubre de 1831, que cita en su nota el He. Sor. Ellis, por que estas conceden á los consules etrangeros la intervencion para el acuerdo, mas no el manejo de los intereses y la comision, en casos como el de que se trata, y nosiendo un opoderado legitimo de los interesados, pretendió una cosa que bien debió suponer no habia de concederse, por ser contraria á las disposiciones de la materia.

El referido consul, debió por tanto, ceñirse al ejercicio de sus funciones, sin querer representar otro caracter que no le correspondia, pero muy lejos de esto, mirando que el tribunal no se lo concedia, se negó absolutamente á cumplir con aquellas, pues fueron inutilis cuantos gestiones se hicieron a fin de que prestase su acuerdo é intervencion para el reconocimiento, verita, &c. del cargamento. En esto ha cometido una falta, que sin duda le será estrañada, por el He. Sor. P. Ellis haciendole las prevenciones conducentes para que no se repito, y cumpla con les deberes que le están impuestos, sin abandonar los por pretenciones inoportunas é infundadas.

La de que se trata lo era sin duda, segun queda manifestado, y como se convencerá el He. Sor. Encargado de Negocios de los Estados Unidos con el hecho solo de que el consul en Vera Cruz, no era representante legitimo de los dueños ó aseguradores de la goleta *Peter D. Vroom*, puesto que no podrá esbiber el poder que lo acredite, ó si lo hiciese adora, no justificaria que lo verificó en tiempo oportuno ante el tribunal que conoció en el asunto en cuyo unico caso ; sinó se le hubiese admitido tendria razon de quejarse de los procedimientos de aquel.

El infrascrito, antes de concluir esta nota debellamar atencion del He. Sor. P. Ellis á una representacion que se ha dirigido al Supremo Gobierno con los justificantes respectivos, por D. Cresencio Boves, consignatario de la goleta *Peter D. Vroom*, quejandose de que el consul de los Estados Unidos en Vera Cruz se ha negado á espedirle la copia que debe otorgarle, de la protesta hecha en su oficina sobre el naufragio de la misma, por su Capitan Mr. E. T. Kelly, y como su negativa no puede apoyarse en razon alguno de justicia, por que se trata de un documento que no está en su arbitrio reusar á parte legitima, como lo es el Sor. Boves, y cualesquiera que sean las diferencias ocurridas entre el tribunal mercantil de Vera Cruz, con respecto al cargamento de dicho buque. S. E. el Presidente havisto con mucho sentimiento esa resistencia, con que tanto se perjudican los intereses de un Mejicano, y asi es que se promete de la justificacion del He. Sor. Ellis, se sirva prevenir á aquel funcionario, preceda sin demora alguna á espedir el certificado de que se habla.

El infrascrito aprovecha la ocasion para reproducir al Sor. Encargado de Negocios de los Estados Unidos de America, las seguridades de su muy distinguida consideracion y aprecio.

JOSE MARIA ORTIZ MONASTERIO.

Al Hon. Sor. POWHATAN ELLIS,

*Encargado de Negocios de los Estados Unidos de America.*

No. 63.

*Mr. Monasterio to Mr. Ellis.*

[TRANSLATION.]

PALACE OF THE NATIONAL GOVERNMENT,  
MEXICO, November 21, 1836.

The undersigned, acting Minister of Foreign Affairs, has the honor to announce to the Hon. Powhatan Ellis, that he has received through the department of justice the corresponding information in the case of the American schooner *Peter D. Vroom*, which formed the subject of the note addressed by the honorable Mr. Ellis to the undersigned, under date of the 19th September last. The relation therein made, so far as regards the incidents touching this vessel, corresponds to that which appears from the information aforesaid, but differs in the aspect under which the conduct observed by the mercantile tribunal at Vera Cruz is represented, as well as that observed by the consul of the United States at that port. A formal abandonment of the cargo having been made by Mr. Crecencio Boves, to whom it came consigned; the tribunal, in the fulfilment of its duties, ought to have proceeded, and in fact did proceed, to name a person to take charge of the same, with power to effect a sale, and deposite its product in favor of the owners or insurers of the vessel; and the consul aforesaid ought to have co-operated in such measures, since it is to this that his functions are limited, in cases of this nature. The nomination of this person as depositary, would not have been made if there had been any other possessed of powers of agency from said owners or insurers: the consul had none such; consequently this charge could not fall upon him; and this it is that has given rise to the complaint advanced by the honorable Mr. Ellis, but he will now see that the tribunal, without this requisite, could not grant to the consul the deposite of the cargo, as he demanded; since, from his consular character alone, it was not competent to him; and that he was not provided with the necessary powers, is very clear, since he confessed from the beginning that he neither knew nor could he conjecture who were the insurers of said vessel, nor were they afterwards presented, because, although he had a private letter from the captain of the same, Mr. E. F. Kelly, it was for another object, and to be used after the sale of the effects saved from the wreck of the *Peter D. Vroom*. It results from this exposition, that the consul of the United States had no right to ask that he should be intrusted with the deposite and management of the cargo in question; that the mercantile tribunal of Vera Cruz denied his request, founded precisely upon the orders of the Supreme Government of the 26th of August and 4th of October, 1831, which the honorable Mr. Ellis quotes, inasmuch as these grant to foreign consuls an intervention in the proceedings, but not the management of the interests and commission in cases like that referred to; and that, not being the legal attorney of the parties interested, he pretended to a thing which he might have well supposed would not be granted, because of its being contrary to the legal provisions in the case.

The consul in question ought therefore to have confined himself to

the exercise of his functions, without seeking to represent another character which does not belong to him; but very far from this, seeing that the tribunal would not grant it to him, he positively refused to comply with them, for all the exertions which were made to obtain his consent and co-operation in the acknowledgement of the court-record of the sale, &c., proved ineffectual. In this he has committed a fault, which, without doubt, will be reprimanded by the honorable Mr. Ellis, taking proper precautions that he shall not repeat the same, and that he shall conform to the duties which are prescribed for him, without abandoning them for inappropriate and unfounded pretensions.

That now referred to was unquestionably such, as has been already shown, and as the honorable chargé d'affaires of the United States will be convinced, by the simple fact that the consul at Vera Cruz was not the lawful representative of the owners or insurers of the schooner *Peter D. Vroom*, inasmuch as he could not exhibit the power which accredited him as such, or if he should now do so, it could not justify his course at the proper time before the tribunal who had cognizance of the affair—in which only case, except he had been admitted as the representative, could he have reason to complain of their proceedings.

The undersigned, before concluding this note, ought to call the attention of the honorable P. Ellis to a representation which has been addressed to the Supreme Government, with the respective justification, by Mr. Crencio Boves, the consignee of the schooner *Peter D. Vroom*, complaining that the consul of the United States in Vera Cruz had refused to furnish him with a copy, as he ought to have done, of the protest made in his office upon the wreck of the same, by her captain, Mr. E. F. Kelly; and as this negative cannot be founded in any reason of justice, because of its being a document which it was not at his option to withhold from the legitimate party, as is Mr. Boves, and whatever may have been the differences between the said consul and the mercantile tribunal at Vera Cruz, with respect to the cargo of said vessel, his excellency the President has seen with much regret this resistance, which so seriously affects the interests of a Mexican, and he, therefore, promises himself, from the justice of the honorable Mr. Ellis, that he will be pleased to instruct that functionary to proceed without delay to make out the certificate in question.

The undersigned improves this occasion to renew to the chargé d'affaires of the United States of America the assurances of his very distinguished consideration and esteem.

JOSE MARIA ORTIZ MONASTERIO.

To the Hon. POWHATAN ELLIS,

*Chargé d'affaires of the United States of America.*

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No. 64.

*Mr. Monasterio to Mr. Ellis.*

PALACIO DEL GOBIERNO NACIONAL,

MEJICO, 30 de Noviembre de 1836.

El infrascrito, oficial mayor 1o. Encargado del Despacho de la Secretaría de relaciones: ha recibido una comunicacion del Ministerio de

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Justicia, relativa á lo ocurrido en Campeche con respecto al Bergantin Americano *Aurora*. Ee ella se deduc, que el Consul de los E. U. en aquel Puerto, calumnió al Juez de Distrito de Yucatan, cuando áseguró al He. Sor. Ellis que le habia negado la copia que pidió de los precedimientos judiciales referentes al asunto de dicho Buque, pues consta que se le libró a pesar de haberla solicitado, cuando apenas se comenzaban las actuaciones, siendo así que hay una ley que previene que solamte. despues de concluido el pleito ó la causa, se expidan á los interesados los testimonios que pieren, y se le dió tambien, nobstante de que su peticion, no se presento en el idioma del pais, y en el papel sellado respectivo, cuyas formulas son indispensables en los Tribunales del pais, y deben sujetarse á ellas tanto los Mejicanos, como los extrangéros; mas el Juez de Distrito las dispense por esa véz al Consul Americano, en ahorro de contestaciones, desagradables, aunque con la advertencia de que era sin ejimplar la admision de tales peticiones informales, y déseconocidas en la practica.

Expedida puez, la copia de que se trata, desde 4 de Mayo del presente ano, y habiendosele avisado, al Consul referido que ocurriese, por ella, ya vera el He. Sr. Ellis la falta de verdad con que acusó ante su. Senoria al Juez de Distrito por habersela negado suponiendo en esto una infraccion del Tratado existente entre esta Republica y los E. U. de America. Lo que hay de cierto ez, que el Consul se ha negado á recibir la copia expresada, dejandola en la Escribania del Juzgado, y negadose, á pagar los derechos respectivos, diciendo que de mada le servia, respecto a no estar finalizado el asunto, y que cuando lo esturiese, pediria se le librase un testimonio general del expediente. Estos tortuosos manejos de aquel funcionario las insultantes protestas que ha dirigido al Juez de distrito, segun éste informa al Supremo Gobierno, y la ligereza con que inculpa y acrimina á aquellas autoridades, sin el menor motivo, como sucede en el presente caso, obligár á S. E. el Presidente interino á Solicitar que por el respetable conducto del He. Sr. Ellis se hagan, los extranamientos justos que merece su conducta, y las prevenciones conducentezpara que no se repita, y obre siempre en los negocios que ocurran, con la armonia y acuerdo que son tan necesarias, y de que, desgracia damente se ha desviado, segun aparece de lo expuesto, y de lo que el infrascrito, participó al He. Sr. Encargado de Negocios en su nota 30 de Mayo ultimo, referente, al mismo asunto del Bergantin *Aurora*.

El que suscribe, al hacér, esta comunicacion, á su Senoría como resultado de la que le dirigio en 20 de Setiembre p. pdo., tiene el honor de reproducirle las seguridadez de su muy distingue consideracion y aprecio.

JOSE MARIA ORTIZ MONASTERIO.

Al. He. Sr. POWHATAN ELLIS,  
*Encargado de Negocios de los E. U. de America.*

*Mr. Monasterio to Mr. Ellis.*

[TRANSLATION.]

PALACE OF THE NATIONAL GOVERNMENT,

MEXICO, November 30, 1836.

The undersigned, chief clerk, acting secretary of relations, has received a communication from the minister of justice, relative to the occurrence at Campeachy, with respect to the American brig *Aurora*; whence it appears that the consul of the United States at that port calumniated the district judge of Yucatan, by assuring the honorable Powhatan Ellis that the judge, upon his demand thereof, had refused him a copy of the judicial proceedings in relation to the said vessel; for they were delivered at his request when the suit was scarcely commenced, although there is a law which provides that the parties concerned shall not receive such papers which they may ask for until the cause shall be concluded. The papers referred to were given to the consul too, notwithstanding his petition for them was not couched in the language of the country or written upon the proper stamped paper, which formalities are indispensable in the courts of the country, and are binding as well upon foreigners as Mexicans; but the judge of the district dispensed with them on this occasion in favor of the American consul, through abhorrence of disagreeable disputes, although aware that the admission of such informal petitions was without a precedent, and unknown in practice.

The copy in question having been, therefore, ready since the 4th of May, of the present year, and the consul aforesaid having been advised that it was at his disposition, the honorable Mr. Ellis will now see the want of truth with which that functionary has complained to his excellency against the judge of the district for having denied the same, thereby inducing the belief that an infraction of the treaty existing between this republic and the United States of America had been committed. What is certain is, that the consul refused to receive the copy alluded to, leaving it in the office of the clerk of the court, and refused to pay the respective charges, saying that it could avail him nothing, because the trial was not concluded, and that as soon as it was, he would ask for a complete copy of all the proceedings. These double dealings on the part of that functionary, the insulting protests which he addressed to the judge of the district, as the latter has informed the Supreme Government, and the wantonness with which he blames and criminales the authorities, without the least foundation, as is seen in the present case, oblige his excellency the President *ad interim* to request that the honorable Mr. Ellis will convey to him the expression of that just disapprobation which his conduct merits, and take such measures as will prevent a repetition of it, and cause him to conduct himself in all future transactions with that harmony and co-operation which are so necessary, and from which he has so unfortunately deviated, as appears from this exposition, and as the undersigned informed the honorable chargé d'affaires in his note of the 30th of May last, referring to this same subject of the brig *Aurora*.



The undersigned, in making this communication to the honorable Mr. Ellis, as resulting from that which he addressed to the undersigned on the 20th of September last past, has the honor of renewing to him the assurance of his very distinguished consideration and esteem.

JOSE MARIA ORTIZ MONASTERIO.

To the honorable POWHATAN ELLIS,  
*Chargé d'Affaires of the United States of America.*

No. 66.

*Mr. Monasterio to Mr. Ellis.*

PALACIO DEL GOBIERNO NACIONAL,  
*Mejico, 13 de Diciembre de 1836.*

El infrascrito, oficial mayor, lo. encargado del despacho de la secretaria de relaciones; tiene el honor de comunicar al hon. Sor. Powhatan Ellis que el Sor. Gral. D. José Urrea, á quien se pidió informe acerca del arresto que se impuso en Matamoras en Febrero ultimo a los ciudadanos de los E. U. W. Hallett y Zalmon Hull, ha manifestado lo que consta en la copia adjunta qe. el que suscribe pora en conocimiento del He. Sr. Ellis añadiendole que no llenandose con esas noticias los deseos del Supmo. Gobo. para aclarar esos hechos se han pedido otros mas circunstanciadas á la comandancia gral. de aquel, departamento y el resultado de ellas lo transmitirá el infrascrito al hon. Sr. encargado de negocios de los E. U. del norte á quien en tritanto reproduia las seguridades de su muy distinguida consideracion y aprecio.

JOSE MARIA ORTIZ MONASTERIO.

Al He. Sor. POWHATAN ELLIS,  
*Encargado de Negocios de los E. U. de America.*

No. 67.

*Mr. Monasterio to Mr. Ellis.*

[ TRANSLATION. ]

PALACE OF THE NATIONAL GOVERNMENT,  
*Mexico, December 13, 1836.*

The undersigned, chief clerk, acting secretary of relations, has the honor to inform the honorable Powhatan Ellis that General José Urrea, of whom information was requested relative to the arrest at Matamoras, in February last, of William Hallett and Zalmon Hull, citizens of the United States, has made the communication a copy of which is annexed for Mr. Ellis's information by the undersigned, who adds, that, as this intelligence does not fulfil the wishes of the Supreme Government, with

regard to an explanation of the acts in question, a more circumstantial account has been required of the commandant general of that department. The result of which requisition the undersigned will transmit to the honorable chargé d'affaires of the United States of the North, to whom he renews the assurances of his very distinguished consideration and esteem.

JOSE MARIA ORTIZ MONASTERIO.

To the Hon. POWHATAN ELLIS,  
*Chargé d'Affaires of the U. S. of America.*

No. 68.

*Mr. Tornel to Mr. Monasterio.*

SECRETARIA DE GUERRA Y MARINA,  
*Mejico, Dicre. 6 de 1836.*

El E. S. Gral. D. José Urrea en ofo. de 4 del actual me dice lo que sigue :

“ E. S. Antes de anoche recibí la nota de V. E. de 29 del ulto. Novre. con el expediente qe. me acompañar, relativo á la queja producida por el Sr. Encargado de negocios de los E. U. del Norte, á consecuencia del arresto qe. el 17 de Febrero del presente año se ejecutó en Metamoras en los personas de William Hallett y Zalmon Hull, y cumpliendo con la prevencion qe. V. E. se sirve hacerme, le informaré lo que tengo presente de aquel hecho.

“ Cuando yo arribe á Metamoras con la division qe. mandé en la campaña de Texas, se me aseguró qe. la mayor parte de los C. C. de los E. E. del Norte qe. residian en aquella villa, establan en relacion con los qe. en Texas habia declarado la guerra á la nacion Mexicana y qe. por este conducto se transmitia á los enemigos todas las noticias de ntras. furzas, operaciones &c. qe. podien convenirles. Estando yo en el caso de evitar este mal, tomé las precauciones qe. eran de mi deber para lograrlo. La division de mi mando estaba al emprender la marcha sobre Texas, y se me habia informado qe. se preparaban los Norte Americanos á das aviso á los enemigos de mi Salida de Matamoras, la fuerza qe. Cevaba. y todo la demas qe. creian digno del conocimte. de aquellos. El mismo dia 17 de Febo. citado, marcharon las fuerzas de mi mando de Matamoras, con el objeto de encontrar al Doctor Grant qe. con una partida enemiga so oproesimó á viente leguas de aquella villa al estarse disponiendo la salida se me dió parte por un oficial de qe. algunos estrangeros marchaban en aquel momento pára Texas, de acuerdo con el Sr. Comte. Grál. de aquellos Departamtos. dispusé qe. un oficial y un piquete de cuatro dragones, se mantuviesen en observacion, y qe. aprehendiesó á los referidos estrangeros al salir de la referida villa. En efecto se notó qe. dos de ellos dejaban la poblacion, y en las orillas se les presentó le tropa; al momento echaron á correr queriendo escapar, la tropa los siguió y aprehendió en una casa donde se metieron. Se me dió parte y se me entregan algs. papcles, y unos pliegos qe. llevaban consigo. Lo

puse todo en conocimto. del S. Comt. Gral. Citado, que dando á su disposicion los dos hombres aprehendido. Le averigréo luego, qe. uno de aquellos hacia su viaje con pasaporte del S. Comte. militar de la plaza, se les devolvieron en el acto todos los papeles en el mismo estado qe. se les habian tomado. Los dragones habian asegurado, unas bestias qe. encontraron en un corral de la casa en donde aprehendieron á los extranjeros temiendq qe. se les escapasen en ellos; estas se entregaron por mi orn. al instante qe. se me dió conocimto. del asunto. Despues de pasado todo aquel lance supimos qe. la caso en donde se habian aprehendido á los enunciados extranjeros, era la qe. habitaba el consul de Norte America en Matamoras, qn. ofició sobre el asunto al Sr. Comte. Gral. yo marché á la compañía y no supé el resultado agregaré sin embargo qe. á mi salida de Matamoras supé qe. dos otras extranjeros qe. salieron de aquella villa por el camino del Brazo de Santiago, variando de rumbo habian tomado el de Sn. Patricio, punto qe. ocupaban los enemigos. Distaqué una partida de dragones en su Alcance, y sé logró aprehenderlos se les encontraron pasaportes del Sr. Comte. Militar Coronel D. Mariano Guerra pero eran con destino á las villas de Reynosa y Camargo, rumbo enterante. opuesto del qe. llevaban. Les hize el debido cargo y dieron, algunas disculpas qe. los hicieron sospechosos, los remití tambien á Matamoras á disposicn. del S. Comte. Grl. pa. qe. obrase segun correspondiese. Es cuanto puedo informar á V. E. sobre el particular y devolviendole el expediente de la materia, tengo el honor de repetirle las seguridades de mi aprecio."

Y tengo el honor de transcribirlo á V. S. conforme á lo que le manifesté el 29 del p. pd. con relacion á su oficio de 2 del mismo.

Dios y Libertad.

TORNEL.

*Sor oficial Mayor Encargado del Despacho de la Sria. de Relaciones.*

Es Copia: MEJICO, 13 de Diciembre de 1836.

JOSE MARIA ORTIZ MONASTERIO.

No. 69.

*Mr. Tornel to Mr. Monasterio.*

[TRANSLATION.]

DEPARTMENT OF WAR AND MARINE,  
*Mexico, December 6, 1836.*

His excellency General Joseph Urrea, in an official note of the 4th instant, reports to me as follows :

"EXCELLENT SIR : Night before last I received your excellency's note of the 29th November last, with the accompanying representation relative to the complaint made by the chargé d'affaires of the United States of the North, in consequence of the arrest of the persons of William Hallett and Zalmon Hull, at Matamoras, on the 17th February of the present year ;

and in compliance with the call which your excellency has been pleased to make upon me, I report the following touching that transaction :

When I arrived at Matamoras with the division which I commanded in the campaign of Texas, I was assured that the greater part of the citizens of the United States of the North, resident in that city, were in alliance with those who in Texas had declared war against the Mexican nation, and that in consequence they were in the habit of transmitting to the enemy such information of our forces, proceedings, &c. as they might deem acceptable. Finding myself in a situation to prevent this evil, I took such precaution as it was my duty to take in order to do so. The division under my command was about marching upon Texas, and I had been informed that the North Americans were preparing to give notice to the enemy of my departure from Matamoras, the force which accompanied me, and all else that they might think worthy of communication to them. On the same day of the 17th February before cited, the forces under my command marched from Matamoras with the object of meeting Doctor Grant, who, with a portion of the enemy, had approached within twenty leagues of that city, and whilst making dispositions for their departure, I was informed by an officer that some strangers had that moment left for Texas. With the consent of the commandant general of those departments I ordered that an officer and a detachment of four dragoons should keep themselves on the watch, and apprehend said strangers on their departure from the city aforementioned. In fact, it was observed that two of them did leave the city, and present themselves on its outskirts, in front of the detachment; they instantly fled, and attempted to escape; the troop followed and apprehended them in a house which they had entered. They reported to me what had occurred, and gave me some papers and despatches which the prisoners had with them. I communicated the whole to the commandant general aforesaid, placing at his disposition the two men who had been arrested. It presently appeared that one of them was provided with a passport for his journey, from the military commandant of the plaza; all his papers were immediately returned to him in the same state in which they had been taken from him. The dragoons had secured some beasts which were found in the yard of the house in which the strangers were apprehended, fearing that they might escape upon them; these were returned by my order as soon as I was informed of the circumstance. After the whole of the business was over, we ascertained that the house in which the strangers aforesaid had been arrested, was that occupied by the consul of North America in Matamoras, who addressed an official note to the commandant general upon the subject. I marched for the campaign, and do not know the result. I will, however, add that, on my departure from Matamoras, knowing that two or three foreigners who had left that city by the way of Brazo de Santiago, leaving their route, had taken that to San Patricio, the point then occupied by the enemy, I despatched a party of dragoons in pursuit of them, and upon their being apprehended it was found that they had passports from the military commandant, Colonel Mariano Guerra, but these were to allow their passage to the cities of Regnosa and Camargo, a route entirely different from that which they were pursuing.

I submitted them to due examination, and some suspicious circumstan-

ces having turned up, I sent them also to Matamoras, to be placed at the disposal of the commandant general for such purpose as he might think fit. This is as much as I can inform your excellency upon the subject, and, returning the statement of the affair, I have the honor to renew to you the assurance of my esteem."

And I have the honor to transcribe it for your excellency, agreeably to what I informed you on the 29th ultimo, in relation to your official note of the 2d of the same month.

God and liberty.

TORNEL.

*The acting Minister of Foreign Affairs.*

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No. 70.

(No. 45.)—*Mr. Ellis to Mr. Forsyth.*

LEGATION OF THE UNITED STATES OF AMERICA,  
Mexico, December 27, 1836.

SIR: Enclosed I forward for your information copies of two notes from Mr. Monasterio, the acting Minister of Foreign Affairs, addressed to this legation, one under date of the 21st instant, touching the withdrawal of Mr. Gorostiza from Washington city with his legation, and the other of the 24th, in reply to my note of the 22d of the same month, requesting to be informed of the causes which have led to my proposed departure from the Mexican republic. After my long correspondence with this Government (a copy of which has already been forwarded to the Department of State) on the various subjects embraced in your instructions of the 20th of July last past, I can view such an inquiry in no other light than as an uncourteous refusal of my passports, and therefore deem an answer to it unnecessary. I shall leave here to-morrow morning on my way to Vera Cruz, and will avail myself of the earliest opportunity to reach Washington city.

With undiminished respect, I have the honor to be

Your obedient servant,

POWHATAN ELLIS.

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Hon. JOHN FORSYTH,  
*Secretary of State, Washington City.*

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No. 71.

*Mr. Monasterio to Mr. Ellis.*

PALACIO DEL GOBIERNO NACIONAL,  
Mejico, Dcre. 21 de 1836.

El info. oficial mor. encargado del Despo. de la Sria. de Relacs. cumpliendo con las ordenes qe. acaba de recibir del E. Sr. Presidente into

de la Repca. tiene el honor de dirigirse hoy al Sr. P. Ellis, encargado de negs. de los Estados Unidos, para manifestarle qe. el Gobno. Mejicano, despues de haber oido detenidamente al Sr. D. Manuel E. de Gorostiza, Enviado Extraordinario y Ministro Po. qe. fue de esta Repca. en dichos Estados, y despues de haber ecsaminado franca é imparcialmte. toda la correspondencia qe. medio entre el y los senores Forsyth y Dickins con motivo de la violacion del territorio Mejicano pr. las tropas qe. mandaba el Gral. Gaines, no ha podido menos de coincidir en un todo en el modo, qe. tubo aquel Enviado de avalorar una ofensa tan gratuita, y ha tenido de consigte. qe. aprobar como lo ha hecho, el qe. se retirara de Washington con su Legacion por haberse convencido de qe. no podia ya conseguir la justa satisfaccion qe. demandaba aun cuando pa. ello habia apurado antes cuantos argumentos y observaciones le sugieseron la razon y el derecho que le asistian.

El Gobierno Mejicano hubiera deseado, sin embargo, antes de fallar en cierto modo sobre la conducta observado pr. su enviado en Washington, qe. el Sr. Ellis le hubiera dado previamte. alguna de las esplicaciones qe. se anunciaban en la nota del Sor. Dickins al Sr. Gorostiza de 20 de Octubre ulto. y cuyo unico objeto pr. parte de los Estados Unidos habia de ser el impedir desde luego toda posible mala intelligencia en materia tan grave. El Gobo. Mejicano ha esperado pues en silencio y pr. espacio de muchos dias la correspondte. comunicacion del Sr. Ellis lisonjeandose de qe. en ella hallaria al cabo nuevas y positivas seguridades de qe. los Ests. Unidos no habian querido ni querian ahora ofender voluntariamte. ni perjudicar realmte. á una nacion vecina qe. en nada les habia faltado. Por des gracia el Sr. Ellis no ha juzgado conveniente obrar asi hta. ahora; y el Gobno. del Infro. no ha podido tampoco retardar ya por mas tpe. al Sr. Gorostiza el acto de justa. qe. se le debia descargandole de la pesada responsabilidad qe. habia tomado sobre sus hombros.

El info. puede asegurar con todo al Sor. Ellis que su Gobno. no solo está pronto siempre á recibir las prometidas esplicacions sobre el particular, sino que tambien desca con tanto anhelo como sinceridad qe. aquellas sean de la naturaleza mas amigable y equitativo.

El info. aprovecha esta ocasion para renovar al Sor. Ellis, las seguridades de su muy distinguida consideracion.

JOSE MARIA ORTIZ MONASTERIO.

Al H. Sr. POWHATAN ELLIS,

*Encargado de Negs. de los E. U. de Ama.*

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No. 72.

*Mr. Monasterio to Mr. Ellis.*

[TRANSLATION.]

PALACE OF THE NATIONAL GOVERNMENT,

*Mexico, December 21, 1836.*

The undersigned, acting Minister of Foreign Affairs, in compliance with orders which he has received from the excellent President ad inte-

rim of the republic, has the honor now to address Mr. P. Ellis, chargé d'affaires of the United States, in order to inform him that the Mexican Government, after having heard attentively D. Manuel E. de Gorostiza, late envoy extraordinary and minister plenipotentiary of this republic in said States, and after having examined frankly and impartially all the correspondence which passed between that gentleman and Messrs. Forsyth and Dickins, in consequence of the violation of the Mexican territory by the troops under the command of General Gaines, cannot but coincide in every respect with what that envoy has done in resisting so uncalled for an offence; and it has, therefore, approved, as he has done, his withdrawal from Washington, with his legation, because of having been convinced that he could not obtain that just satisfaction which he demanded, notwithstanding he, by every argument and observation which reason and right could suggest.

The Mexican Government had nevertheless desired, before acting in a definite manner upon the conduct observed by its envoy in Washington, that Mr. Ellis should have previously given those explanations which were promised in the note of Mr. Dickins to Mr. Gorostiza of the 20th October last, the only object of which, on the part of the United States, should have been to prevent, from the beginning, all possible misunderstanding in so grave a matter. The Mexican Government has, therefore, awaited in silence, and for the space of many days, the corresponding communication from Mr. Ellis, flattering itself that in it would be found at last new and positive assurances that the United States have never desired, nor do they now desire, to offend voluntarily nor really to injure a neighboring nation who has been wanting in nothing to them. Unfortunately, Mr. Ellis has not thought proper thus to act up to this time, and the Government of the undersigned cannot longer delay awarding to Mr. Gorostiza that act of justice which it owes to him in relieving him from the weight of responsibility which he has taken upon his own shoulders.

The undersigned can, with truth, assure Mr. Ellis that his Government has not only been always ready to receive the promised explanations upon this particular, but it has moreover desired, with as much anxiety as sincerity, that they might be of the most friendly and equitable nature.

The undersigned improves this occasion to renew to Mr. Ellis the assurance of his very distinguished consideration.

JOSE MARIA ORTIZ MONASTERIO.

To the Hon. POWHATAN ELLIS,

*Chargé d'Affaires of the United States of America.*

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No. 73.

*Mr. Monasterio to Mr. Ellis.*

PALACIO DEL GOBNO. NACIONAL,

*Mejico, Diciembre 24 de 1836.*

El infrascrito, oficial mayor encargado del despacho de la Secretaria de Relaciones, recibió ayer á las dos y media de la tarde, la nota del

honorable Sör. P. Ellis, fecha 22 del actual, en que pide su ~~pasaporte~~ para salir en la mañana del lunes proximo de esta capital con direcion á Vera Cruz; y habiendo dado cuenta con ella á S. E. el Presidente interino, no ha podido menos de sorprenderse de que el honorable Sör. Ellis intente emprender su marcha fuera de la Republica con tanta violencia; y mas cuando no se sabe de una manera positiva cual es el fundamento de esta determinacion. Por lo mismo, y siendo el paso que trata de dar el Sör. Ellis de tanta transcendencia é importancia, que naturalmente debe afectar las relaciones entre la Republica Mejicana y los Estados Unidos de America, desearia S. E. que el honorable Sör. P. Ellis, se sirviese esponer terminantemente caules son las causas que motivan el pedido de su pasaporte, poniendo de esta manera termino á la mision que le tiene encomendada su Gobierno, á fin de que pueda en todo tiempo salvarse la responsibilidad con que se quiesse hacer aparecer á la Nacion Mejicana.

El infrascrito tiene el honor de reproducir al honorable Sör. Encargado de Negocios de los Estados Unidos de America las seguridades de su muy distinguida consideracion y aprecio.

JOSE MARIA ORTIZ MONASTERIO.

Al Hon. Sr. POWHATAN ELLIS,

*Encargado de negocios de los E. U. de America.*

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No. 74.

*Mr. Monasterio to Mr. Ellis.*

[TRANSLATION.]

PALACE OF THE NATIONAL GOVERNMENT,

*Mexico, December 24, 1836.*

The undersigned, acting minister of foreign affairs, received yesterday, at half-past two o'clock in the evening, the note of the honorable Mr. P. Ellis, dated the 22d instant, in which he asks his passport in order to depart on Monday morning next, from this capital, in the direction of Vera Cruz; and having given an account of it to his excellency the President *ad interim*, he cannot but be surprised that the honorable Mr. Ellis should intend leaving this republic with so much impetuosity ("con tanta violencia") and more particularly when he does not distinctly understand the motive for such a determination.

Because of this and the step which Mr. Ellis proposes to take being of so much transcendency and importance, which would naturally affect the relations between the Mexican republic and the United States of America, his excellency desires that the honorable Mr. P. Ellis will be pleased to state, definitely, what are the causes which have prompted him to ask his passport, thereby putting an end to the mission with which his Government has intrusted him—to the end that the responsibility which is thus attempted to be thrown upon the Mexican nation may, in all future time, attach to its proper source.



The undersigned has the honor to renew to the honorable chargé d'affaires of the United States of America, the assurance of his very distinguished consideration and esteem.

JOSE MARIA ORTIZ MONASTERIO.

To the Hon. POWHATAN ELLIS,

*Chargé d'Affaires of the U. S. of America.*

No. 75.

*Mr. Monasterio to Mr. Ellis.*

PALACIO DEL GOBIERNO NACIONAL,

*Mejico, Diciembre 27 de 1836.*

El infrascrito, oficial mayor encargado del despacho de la secretaria de relaciones, ha recibido orden de S. E. el Presidente para tener el honor de dirigirse al honorable Sor. P. Ellis, encargado de negocios de los Estados Unidos de America, manifestandole: que el deseo muy natural de S. E. para investigar los verdaderos motivos que habia tenido su señoría para resolverse á regresar á su pais, dejando pendientes las graves cuestiones que hoy se ventilan entre aquella y esta nacion, fue lo que motivó la nota que el infrascrito pasó al Sor. Ellis con fecha 24 del actual.

El silencio que el Sor. Ellis ha guardado hasta ahora, dejando sin contestacion asi esta nota, como la diversa de 21 del mismo, en que el infrascrito manifestó que el Gobierno Mejicano estaba pronto a recibir la satisfaccion que el de los Estados Unidos ofreció al Sor. Gorostiza daria por conducto del mismo Sor. Ellis, hace creer á S. E. Presidente que su señoría insiste en su resolucion de marchar, y al efecto ha dado por cortadas sus relaciones con el infrascrito. En tal concepto S. E. le ordena asegurar al Sor. Ellis que si á las seis de la tarde de hoy, no se hubiere recibido ninguna contestacion suya, se le remitirá el pasaporte que tiene pedido, y estará lista la escolta que desea le acompañe para su seguridad, repitiendo de esta manera el Gobierno Mejicano los testimonios que constantemente ha dado de su consideracion hacia los Estados Unidos, y su representante en esta capital.

El infrascrito aprovecha la oportunidad para reiterar al honorable Sor. Powhatan Ellis, las seguridades de su particular estimacion.

JOSE MARIA ORTIZ MONASTERIO.

Al honorable Sor. POWHATAN ELLIS,

*Encargado de negocios de los E. U. de America.*

No. 76.

*Mr. Monasterio to Mr. Ellis.*

[TRANSLATION.]

PALACE OF THE NATIONAL GOVERNMENT,

*MEXICO, December 27, 1836.*

The undersigned, chief officer charged with the affairs of the department of relations, has received orders from his excellency the President,

to address the honorable Mr. P. Ellis, charge d'affaires of the United States of America, in order to communicate to him that the note which the undersigned sent to Mr. Ellis under date of the 24th instant, arose from the desire, most naturally entertained by his excellency, to investigate the real motives which induced that gentleman to resolve to return to his country, leaving undetermined the important questions now at issue between the two nations.

The silence maintained by Mr. Ellis in leaving that note unanswered, as well as another of the 21st instant, in which the undersigned declared that the Mexican Government was ready to receive the satisfaction which the Government of the United States offered to Mr. Gorostiza, to give through Mr. Ellis himself, induces his excellency to suppose that Mr. Ellis persists in his resolution to depart, and with that view considers his relations with the undersigned as suspended. Under this impression, his excellency orders the undersigned to inform Mr. Ellis that, unless some answer shall have been received from that gentleman, by six o'clock this evening, the passport which he has requested shall be sent to him, and the escort will be ready to accompany him for his protection, and to repeat to him, in the name of the Mexican Government, the assurances which it has on all occasions given of its consideration for the United States, and for its representative in this capital.

The undersigned avails himself of this opportunity to renew to the honorable Mr. Ellis the assurances of his own particular esteem.

JOSE MARIA ORTIZ MONASTERIO.

To the Hon. POWHATAN ELLIS,

*Chargé d'Affaires of the United States of America.*

No. 77.

*Mr. Monasterio to Mr. Ellis.*

PALACIO DEL GOBIERNO NACIONAL,

*Mejico, Diciembre 27 de 1836.*

Consecuente á lo que el infrascrito oficial mayor encargado del despacho de la secretaria de relaciones tubo el honor de decir al Honorable Sor. Powhatan Ellis, en su nota de esta mañana y no habiendo recibido hasta ahora que son las siete de la noche, ninguno contestacion á las diversas notas pendientes, el infrascrito acompaña al Sor. Ellis el pasaporte que tiene pedido y las ordenes para que en el transito se le franqueen las escoltas que necesite para la seguridad de su persona, en el concepto que la que debe acompañarle á su salida de esta capital, estará lista á la pora y en el lugar que el Sor. Ellis se sirva indicar por medio de un aviso al sor. comandante general.

El infrascrito ha recibido orden de S. E. el Presidente para anunciar al Sor. Ellis que se previene á la legacion Mexicana cerca del Gobierno de los Estados Unidos se retire igualmente.

El infrascrito reitera al Honorable Sor. Powhatan Ellis, las seguridades de su particular atencion.

JOSE MARIA ORTIZ MONASTERIO.

Al Hon. Sor. POWHATAN ELLIS,

*Encargado de Negocios de los E. U. de America.*

No. 78.

[Received at half past 7 o'clock in the evening of the 27th December.]

*Mr. Monasterio to Mr. Ellis.*

[TRANSLATION.]

PALACE OF THE NATIONAL GOVERNMENT,  
*Mexico, December 27, 1836.*

The undersigned, chief officer charged with the affairs of the department of relations, conformably with what he had the honor to state to the honorable Powhatan Ellis, in his note of this morning, not having up to this moment, 7 o'clock in the evening, received any reply to the various notes despatched, transmits, herewith, to Mr. Ellis, the passport which he had requested, and the orders for the supply of the escort which may be requisite for the security of his person on the journey; informing him, at the same time, that the escort which is to accompany him on his departure from this capital will be ready at such time and place as Mr. Ellis may indicate to the commandant general.

The undersigned has received orders from the President to announce to Mr. Ellis that the Mexican legation near the Government of the United States has been ordered likewise to retire.

The undersigned repeats to the honorable Mr. Ellis the assurances of his particular esteem.

JOSE MARIA ORTIZ MONASTERIO.

To the Hon. POWHATAN ELLIS,  
*Chargé d'Affaires of U. S. of America*

No. 79.

*Extract of a letter from Mr. Burrough, United States consul at Vera Cruz, to Mr. Ellis.*

VERA CRUZ, *January 10, 1837.*

I have to inform you that, in pursuance of your instructions to receive and transmit to the Department of State all despatches, &c., that might arrive at the post office of this city to the address of the United States legation, Mexico, I addressed a note to the administrator of the office, in anticipation of despatches being received by the packet daily expected from New York, requesting, as per instructions, that they might be delivered at this consulate, which he has denied me. I shall make another application on their arrival, and, if then withheld from me, I can but enter protest against the act.

*Depositions of the American seamen imprisoned at Vera Cruz.*

## CONSULATE OF THE UNITED STATES OF AMERICA AT VERA CRUZ.

Depositions of John Williams, Henry Habest, Samuel Long, Nathaniel Groves, Samuel Molden, Richard Freeman, James Hover, and John Davis, seamen of and belonging to the United States ship Natchez, William Mervine, Esq., commanding, and constituting a boat's crew imprisoned at this place on the 2d day of November, 1836.

*John Williams*, aged 26 years, a native of Hamburg, being duly and solemnly sworn, did depose, declare, and say as follows: That he, with Henry Habest, Samuel Long, Nathaniel Groves, Samuel Molden, Richard Freeman, James Hover, and John Davis, seamen, and two stewards, under charge of Midshipman Renshaw, of and belonging to the United States ship Natchez, commanded by William Mervine, did, on the 2d day of November, set out and depart from the said ship for this place, in the third cutter, and where they arrived at about 11 o'clock in the day. Hover being left in charge of the boat, the rest of them took a walk into the town, and got something to drink—received orders from Mr. Renshaw not to be out of the way. Steward gave them two shillings, which was expended in liquor, and divided among them. Mr. Renshaw coming to the mole, and on being asked to give them something to warm them, handed one of them two shillings, and told them not to get drunk upon it. Deponent and Habest went to the plaza to purchase a glass of grog for the boat's crew, and on returning to the mole Habest was attacked by a fisherman, who insisted on fighting him. Deponent used his exertions to get him away, but a person standing by, who spoke English, said, "let them fight, and give them fair play." Samuel Long and Richard Freeman came up, and the latter remarked that if one fought, all must fight. Finding themselves surrounded with a disparity of numbers, about to assault them, and having no arms with which they could defend themselves against the force that was collecting, armed with clubs, stones, and knives, Freeman and Long retreated to the boat, and got the two boat-hooks. Deponent was also proceeding to the boat, when he was struck with a cutlass over the back by one of the soldiers, several of which had now arrived on the mole, (deponent had not raised his hand against any one.) He was likewise struck with a large stone thrown by one of the soldiers (as he believes) whilst standing at the boat, which nigh felled him to the ground. Mr. Renshaw had now arrived at the mole, and ordered deponent and the rest of them into the boat, and into which all at once got that were able so to do, for by this time two of the boat's crew had been badly wounded by the soldiery or other persons of the country, and were lying upon the mole. The Mexican soldiery stood over those in the boat with their muskets directed at them; and among which were also observed several officers with swords in hand. The officer of the boat begged them not to fire upon his men, and at the same time commanded them all to sit down and keep quiet. After some little time had elapsed, they were all ordered out of the boat, and conducted to the guard-house,

where they remained in confinement until the next evening. They were now—all except the wounded, who were carried to the hospital—conveyed to prison, at the south end of the town, and there placed in a wet room, without bed or bedding of any kind, and supplied with barely enough to keep them alive, with a sentry constantly over them.

After the lapse of about two weeks they were taken out, and examined by a Mexican officer and the interpreter of the port. Deponent subscribed his name to a paper on this occasion, which, he was informed by the interpreter was a translation of what he had said, but which deponent is not satisfied was in accordance with his declaration made in English at the time, and which he now repeats.

The examination being gone through with, they were permitted to go out into the yard with the native prisoners. On the 25th day of November they were taken out and delivered to the American consul.

In testimony whereof, the said deponent has hereunto set his hand, this 17th day of December, A. D. 1836.

JOHN WILLIAMS.

Before me,

M. BURROUGH,  
*Consul United States.*

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*Henry Habest*, aged 35 years, a native of Germany, being duly and solemnly sworn, did depose, declare, and say as follows: That he is one of boat's crew of the United States ship *Natchez*, and who set out from the said ship in the 3d cutter, under charge of Midshipman Renshaw, on the morning of the second day of November, and arrived at the mole of this city at about 11 o'clock in the day; and all of them being wet and cold Mr. Renshaw gave them some money, with which they got half a bottle of rum. Mr. R. left the boat in charge of Hover, the coxwain, and the rest of them walked to the plaza. Deponent there saw Mr. R. purchasing a hammock, which was given to him to carry to the boat; and on passing the gate, a fisherman came up to him and tried to take it from him, but which he placed in the boat. Deponent left the boat for a short time, and, on returning, was a second time assailed by the fisherman, (a negro fellow,) who would not let him pass to the boat. Deponent pushed him aside, (but did not strike him,) and went down towards the boat; but before he had time to reach it, was knocked down by a soldier, who struck him with a musket over the head. His knife was now taken from his pocket, and the cord divided by which it was fastened round his neck, and in cutting which the soldier gave him a wound on the face. On recovering his senses, and when in the act of rising up, to crawl to the boat, he was again knocked down with a large stone thrown by a soldier, and which struck him upon the knee-pan, the same being already fractured. He was also several times kicked in the side by the soldier, whilst lying upon the mole and unable to rise. Deponent was supported by two men to the guard-house, where he was placed in confinement with the others. At 5, P. M., he and Samuel Long were taken out and conveyed to the hospital by a guard of soldiers, where they remained till they recovered.

On the 13th of November, they were called up and examined by an officer and the interpreter of the captain of the port. Deponent signed some paper at this time, which he was told to do, being informed that it was his declaration translated into Spanish, but which he thinks might not have been committed to paper as expressed, inasmuch as the interpreter made several mistakes in it, as he, deponent, stated at the time. Soon after being examined, deponent, with the rest of the sick, was sent to the prison in which their shipmates were confined, and where they remained till the 25th of the month, at which time they were brought out and delivered in charge of the American consul.

In testimony whereof, the said deponent has hereunto subscribed his name, at the city of Vera Cruz, this 17th day of December, A. D. 1836.

HENRY HABEST, his x mark.

Before me,

M. BURROUGH, C. U. S.

*Samuel Long*, aged 23 years, a native of Europe, of and belonging to the United States ship *Natchez*, left the said ship in the 3d cutter, with seven other seamen and two stewards, under charge of Midshipman Renshaw, on the 2d day of November, for the city of Vera Cruz, ship then lying at anchor off the island of Sacrificios, being duly and solemnly sworn, did depose, declare, and say as follows: That, on the passage up, they became very wet and cold. The officer of the boat accordingly promised them a drink of grog when they arrived. On reaching the mole, Hower was left in charge of the boat, and the rest of them, by the consent of Mr. Renshaw, took a walk into the plaza, where they procured half a bottle of liquor with twenty-five cents given them by Mr. R. This they took to the boat and drank among them. The boat was now left in charge of Davis, and deponent went to assist the steward in getting marketing to the mole; after which he took charge of the boat. Habest soon brought a hammock down by order of Mr. Renshaw, who now returned to the mole, and asked them if they were all sober, and told them that he was going off in a few minutes, (immediately,) and went up to the consul's. Deponent and Richard Freeman were standing near the boat, when the former said to the latter, "we will go on the other side of the mole and look at the fish they are catching." They accordingly went and picked up one of the fish to examine it, and then returned to the boat; and whilst they were there, Williams informed them that Habest was about to get into a fight with a fisherman. They went to Habest at the upper end of the mole, where he was engaged in a quarrel with a negro, and who was standing before him in an attitude of defence. Some gentleman who stood near them said, let them have fair play—one at a time. Deponent, however, not wishing to see a fight, stepped in between Habest and the negro; at which moment a soldier coming up struck Habest several times over the head and shoulders with the broad-sword. Deponent was how pushed down in the crowd, and, on recovering himself, and in the act of going to the boat, was struck across the back with a cutlass by a soldier. Finding himself thus assailed, he and Freeman ran to the boat, and got each a boat-hook to defend themselves against the soldiery

and others by whom they had been attacked. But, before deponent had an opportunity of using his hook, he was struck over the back by a corporal with a broad-sword. He now made a pass at the corporal, and at the same moment was knocked down, either by a stone or some other missile, and from that period does not recollect any thing further that occurred, till he found himself in the guard-house. The same evening he was conveyed to the hospital with Habest, who was also badly hurt. After a fortnight or so, deponent was examined by a Mexican officer, with an interpreter. His declaration was subscribed by him, agreeably to the order of the interpreter, and who stated that it was a translation of what he had said in English; but deponent, not understanding Spanish, the language into which the translation was made, is not prepared to say whether or not it was a true translation.

The said deponent was now sent to the prison where the others were confined, and there remained till the 25th November, at which time they were released and delivered over to the consul of the United States.

Deponent did furthermore declare that the quantity and quality of the food given to them whilst in prison was scarcely sufficient to sustain life, and that they were obliged to sleep on a cold and damp brick floor, without bed or bedding of any kind being allowed them.

In testimony whereof, the said deponent has hereunto set his hand, at the city of Vera Cruz, this 17th day of December, Anno Domini, 1836.

SAML. LONG.

Before me,

M. BURROUGH, C. U. S.

*Nathaniel Groves*, aged 25 years, a native of the United States of America, of and belonging to the United States ship *Natchez*, being duly and solemnly sworn, did depose, declare, and say as follows: That he, with seven other seamen and two stewards, (viz. the captain and ward-room steward,) did, on the morning of the 2d November, set out from the ship to which they are attached, in the third cutter, under charge of Midshipman Renshaw, for the city of Vera Cruz, and arrived at the mole between 11 and 12 o'clock. Mr. R. went up to the consul's, and left the boat in charge of the coxswain, Hover, and told them not to be out of the way, that he should be ready to go off in a few minutes. Deponent having half a dollar in his pocket, purchased some liquor, which was drank among them. Mr. Renshaw returned to the mole in a short time, and being asked by some of them for a little change to get a glass of grog, gave them twenty-five cents, not being aware that they had already had liquor. Mr. R. again left on business, (as supposed,) when the charge of the boat was given to Davis, and the rest of them went towards the market. Deponent quickly returned to the mole, near which he met a passenger who was going in their ship, who informed him that a fight was about to ensue between one of his shipmates and some of the Mexicans upon the mole. Deponent, and the four that were with him, viz. Richard Freeman, Hover, John Williams, and Samuel Long, on returning to the boat, saw Habest and a black fellow engaged in a quarrel,

but who were not fighting. The officer of the boat was soon after met by deponent near the corner of the plaza, and who ordered him and the rest of the crew down to the boat, that "he should be off immediately." On reaching the mole, saw Richard Freeman and Samuel Long with boat-hooks in their hands, near the boat, defending themselves against the soldiery and fishermen by whom they were attacked. The latter of them was struck by one of the guards with a sword, and who then made a blow at the soldier with his boat-hook; this was parried by the bayonet of the soldier, and whilst he was thus defending himself, a soldier struck Richard Freeman with his bayonet, inflicting a wound which brought him to the ground. A corporal now came up and struck Samuel Long over the face with his bayonet, and by which he was knocked down, and supposed dead. The corporal turned and made a pass with a bayoneted musket at deponent just as he was getting into the boat. Mr. Renshaw had by this time arrived at the mole, and ordered them all into the boat, and into which all at once placed themselves, with the exception of Richard Freeman, and Samuel Long, and Henry Habest, who were so badly wounded as not to be able to reach the boat.

The soldiery had their muskets charged, and stood alongside the boat, and pointing them directly upon the boat's crew, and who it is said would have fired on them had the captain of the port not prevented it. They were now all ordered to the guard-house, where they were placed in stocks, and kept till the next evening, when deponent, with J. Davis, John Williams, and Samuel Molden, were conveyed to prison, and there placed in a small damp apartment, with little to eat, and nothing in the way of bed or bedding to protect them against the cold and humidity of the ground floor.

On or about the 16th of the month they were all taken out and examined by a Mexican officer and the public interpreter. Deponent did not sign any document, he having informed them that he could not write. The examination being gone through with, they were permitted to go into the prison yard, but were securely locked up at night, and a sentry placed at their door. On the 25th November, they were brought out and delivered over to the charge of the United States consul.

In testimony whereof, the said deponent has hereunto subscribed his name, at the city of Vera Cruz, this 18th day of December, A. D. 1836.

NATHL. GROVES, his  $\times$  mark.

Before me,

M. BURROUGH,  
Consul U. S.

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*Samuel Moulden*, aged 28 years, a native of Europe, seaman, of and belonging to the United States ship *Natchez*, being duly and solemnly sworn on the day of the date hereof, did depose, declare, and say as follows: That he, with seven other seamen and two stewards, left the ship *Natchez*, to which they are attached, on the 2d of November, in the third cutter of the ship, under charge of Mr. Renshaw, (midshipman,) and who told them on the passage up that "if they would behave themselves, as



he hoped they would, on arriving at the city they should have all the liberty he could allow them; and hoped that they would not get drunk." The wind was high, and a heavy sea running, and the boat's crew got very wet. Mr. R. told the coxswain to take charge of the boat; the rest walked to the market, and procured a bottle of liquor, which was drank among them; after which, Hover went with the steward to the market, and deponent got into the boat, laid down, and went to sleep, but was soon awoke by a noise on the mole; saw at this time several soldiers around the boat, and a Mexican officer, with his sword drawn over the head of Mr. Renshaw, and the others with muskets in their hands pointed at him and the other seamen in the boat. Not knowing the cause of the disturbance, and fearing that Mr. Renshaw was about to be cut down, deponent wished to get upon the wharf to defend him, but Mr. R. would not permit him, and ordered him to keep quiet, and whilst deponent was standing in the boat, he was struck across the face with a cutlass, which was nigh knocking him down. After a little time all got into the boat, except two or three who had been wounded by the people of the country, and were now lying upon the mole.

Deponent was ordered by Mr. Renshaw to come out of the boat, to go up and bring down some things from the market, and, when opposite the guard-house, was told to go in with the others, and where they were all, except the two that were most hurt, placed in confinement; remained there till the following evening, and was then sent to a prison in another part of the town, placed in a small damp room, with but little to eat, and nothing to lie upon but a mat. After about two weeks' confinement, they were examined by a Mexican officer and an interpreter, and then allowed access to the prison yard. Deponent put his name to a paper, which the interpreter told him was a translation of his deposition, but whether it was a true translation he is unable to judge; he was informed that it was correct.

On the 25th of November, they were all liberated, and conducted to the office of the consul of the United States, where they were left.

In testimony whereof, the said deponent has hereunto subscribed his name, at the city of Vera Cruz, this 18th day of December, A. D. 1836.

SAMUEL MOLDEN.

Before me.

M. BURROUGH,  
*Consul United States.*

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*Richard Freeman*, aged 24 years, a native of Ireland, mariner, of and belonging to the United States ship *Natchez*, William Mervine, commander, being duly and solemnly sworn, did depose, declare, and say as follows: That he and seven other seamen, with the cabin and wardroom stewards, set out and departed from the said ship *Natchez* on the 2d day of November, in the third cutter, under charge of Midshipman Renshaw, and arrived at the mole of this city at about the hour of 11 o'clock, A. M. Had a rough passage up, and being wet and cold, on reaching Vera Cruz, went and got a glass of grog, with some money given to them by the officer of the boat. Hover being left to take care of the boat, was relieved by others in turn. After a little time Mr. Renshaw, who had

gone to the office of the consul, returned and told them to "keep about the boat, that he should be ready to go off in a few minutes." Samuel Molden was now in the boat, Samuel Long asked deponent to go and look at some fish which they were catching on the other side of the mole. They went and examined them and then returned to the boat. At this time Williams came to them and said that Habest was about to fight with some one; upon which deponent and Long went to see what the matter was, and on arriving at the spot, near the upper end of the mole, saw Habest, who told them that he "was going to fight a negro fellow," who had just come out of the water, (a fisherman.) The negro was quarrelling with him, and standing in an attitude for fighting. Some gentleman who was near them said "let them fight, give them fair play, one at a time," but Habest did not strike him. Samuel Long insisted on whipping the fellow, and proposed to fight him (the fisherman;) the negro at this time standing in readiness to make a blow; deponent tried to dissuade his ship-mates from fighting, and was using all his exertions to get them back to the boat, when a soldier came up and struck him and Samuel Long with a sabre; several other soldiers were likewise present, and whose muskets with mounted bayonets were used against them; deponent and Long finding themselves likely to be overpowered by the arms of the soldiery, ran to the boat and got boat-hooks to defend themselves.

They were followed by the assailants near the boat, and on regaining the mole were again attacked and deponent received a bayonet wound in the hip, and another in the right side, which brought him to the ground. The officer of the boat had now arrived on the mole, and who ordered them into the boat, where they at once got. The Mexican soldiery were standing upon the edge of the key, with muskets pointed towards them, and from whom they expected to have received a fire.

Shortly after they (the boat's crew) were ordered to the guard-house, and where deponent and others were confined in stocks. Deponent was struck several times, after being secured in the stocks, with a large cane, by the corporal of the guard; remained in the guard-house with the others till next night, when deponent and the others that were wounded were conducted to the hospital. On or about the 13th day of November, deponent was taken out of his room and examined by an officer and an interpreter. Deponent signed his declaration, as translated into Spanish, which he was told by the interpreter was a true translation of his deposition.

After remaining near three weeks in the hospital, deponent was removed, with James Hover, to the prison in which their other shipmates were confined.

On the 25th day of November they all obtained their release, being delivered over to the charge of the consul of the United States.

In testimony whereof, the said deponent has hereunto set his hand, at the city of Vera Cruz, this eighteenth day of December, one thousand eight hundred and thirty-six.

R. FREEMAN.

Before me,

M. BURROUGH,  
*Consul United States.*

*James Hover*, aged 32 years, a native of the State of New Jersey, United States of America, mariner, of and belonging to the United States ship *Natchez*, W. Mervine, commander, being duly and solemnly sworn, did depose, declare, and say ; that, on the second day of November, he, with seven other seamen, and two stewards, under charge of Mr. Renshaw, midshipman, left the said ship *Natchez*, and arrived at the mole at Vera Cruz, at about 11 o'clock in the day ; all left the boat except deponent, who was deputed to take charge of the boat. John Davis, after a little time, came and relieved him, when deponent went up to the market with the wardroom steward, and brought down some articles for the ship ; left the boat a second time in company with the steward, and returned without him ; again quitted the mole, and when near the corner of the plaza, met a gentleman who was going passenger in the ship, who told deponent that there was a quarrel going on between the Americans and the Mexicans upon the mole ; deponent said that he would go down when he saw the officer of the boat, but not seeing the officer, joined the two stewards and went to the mole ; and there saw fighting between Samuel Long, Henry Habest, and some of the citizens and soldiers of the place. Deponent went directly to the boat, and before he had time to get into the boat, and whilst standing upon the mole in waiting for Samuel Molden to haul up the boat, that he might get into her, was struck by a soldier or some other person of the country with a stone upon the head, which knocked him down ; and when his hat fell into the water, recovering himself, he jumped into the sea, in order to clear himself from the soldiers and others by whom they were attacked, and succeeded in getting into the boat ; about this time, Mr. Renshaw arrived at the mole, and ordered all to take seats in the boat, and six of the boat's crew and the two stewards obeyed, leaving the other two upon the mole, who were badly wounded. Soon after, Mr. Renshaw ordered deponent and the rest of them out of the boat, and to go up with him—all obeyed—and when they arrived opposite to the guard-house, were told to go in—and there deponent and six others remained for the night and next day, when deponent and Richard Freeman were conveyed to the hospital ; there, they remained about two weeks, when they were taken out and examined by some Mexican. Deponent signed a paper which the interpreter told him was a deposition which he was making out for the new governor, and who also told him that, in about two weeks, they would be released (as he expected.) In the course of four or five days, deponent, Richard Freeman, Henry Habest, and Samuel Long, who were now in the hospital, were all conveyed to a prison near the south gate of the city ; there they remained till the 25th of November, when they were all taken out and delivered over to the charge of the American consul.

In testimony whereof the said deponent has hereunto set his hand at the city of Vera Cruz, this third day of January, Anno Domini 1837.

JAMES HOVER, his + mark.

Before me,

M. BURROUGH, C. U. S.

## CONSULATE OF THE UNITED STATES OF AMERICA,

*At Vera Cruz.*

I, M. Burrough, consul of the United States of America at Vera Cruz, do hereby certify that the foregoing, subscribed "James Hover," is a true and faithful copy of the original, finding place in my consular register, letter C, pp. 29, 30, 31.

Witness my hand and seal of office herereunto affixed, at the city of Vera Cruz, this sixth day of January, A. D., 1837, and of the Independence of the United States of America the 60th.

M. BURROUGH.

## CONSULATE OF THE U. STATES OF AMERICA,

*At Vera Cruz, Mexico.*

These are to certify that John Davis, mariner, of and belonging to the United States ship Natchez, W. Mervine, commander, and one of the boat's crew of said ship imprisoned at this place on the 2d day of November last past, did, on or about the 4th of December, desert from the charge of this consulate, since which, he has not returned, and, in consequence, the deposition of the said mariner does not appear.

In testimony whereof, I have hereunto set my hand and affixed my seal of office, at the city of Vera Cruz, this 6th day of January, A. D. 1837, and of the Independence of the United States of America the 60th.

M. BURROUGH.

## CLAIMS ON MEXICO.

Name of claimant.	Date of the act complained of.	Name of the vessel, and nature of the property seized or of the act complained of.	Amount claimed.	Remarks to elucidate the general nature of the claim.
1. Mexican Company of Baltimore	1815	-	Not stated	This was an association of individuals that furnished General Mina with the means of undertaking his invasion of Mexico, which amount they aver has never been repaid them.
2. A. P. Chouteau and Julius de Mun	1817	The claimants imprisoned at Santa Fe and their property confiscated	Value of property lost \$30,380 74½ cents	The claimants, chiefs of a hunting expedition, were, with their followers arrested by the Spanish authorities, carried to Santa Fe, and, without trial, imprisoned and otherwise maltreated, for an alleged trespass on the dominions of Spain in that quarter. For a detailed statement of the case see Wait's State Papers, vol. 12, page 435.
3. Mrs. Young	1817	-	Not stated	The claimant is the widow of Colonel Guilford D. Young, who was a partisan of Mina, and was killed while serving under him in 1817. The claim is understood to be for arrears of pay.
4. John Jacob Astor, P. P. Pope	1818	Brig Cosack	Vessel and cargo sold for about \$40,000	One of the pretexts for the seizure in this case was the alleged want of a sea-letter. The seizure took place at Mazatlan, on the western coast of Mexico. It does not appear whether there were any judicial proceedings. A decree of the Mexican Government, dated 27th July, 1821, directed restitution of the vessel, but the decree was never executed, and no compensation for the loss has ever been received.
5. S. G. Arnold & Co. Richard J. Arnold, Ratcliffe Hicks	1821	Ship Louisa, cargo of	\$33,945	The vessel arrived at Acapulco laden with provisions, arms, &c. upon learning which, Iturbide issued two edicts, one dated Chilpancingo, 20th February, the other Iguala, 4th of March, 1821, directing the cargo to be taken for his use. On the 1st February, 1822, the regency of Mexico decreed indemnity, which was to be received in part from the treasury of Mexico and the residue from the customs at Vera Cruz and Acapulco. A part of the amount has been received and the claim is for the balance.

## CLAIMS ON MEXICO—Continued.

Name of the claimant.	Date of the act complained of.	Name of the vessel, and nature of the property seized or of the act complained of.	Amount claimed.	Remarks to elucidate the general nature of the claim.
6. John Mitchell	Not mentioned. The claimant's letter asking the interposition of the Government is dated June 8, 1824	Specie seized	\$4,738 -	The property was seized on the road from Mexico to Vera Cruz by officers of the Mexican Government.
7. John B. Marié	Summer of 1824	Coffee and provisions	Not stated	The goods were seized upon the pretext of their having been introduced contrary to a Mexican law prohibiting the importation of such articles. The claimant says that he was ignorant of the existence of the law.
8. Borie & Laguerenne	November, 1824	Illegal exaction of duties.	\$32,729 79	The exaction was made upon a quantity of cotton goods imported into Alvarado.
9. T. E. Dudley and J. C. Wilson	1824	Robbery by Indians	Not stated	The claimants were robbed of a part of their property by the Camanche Indians on their return from a trading expedition to Mexico. Original papers in the case sent to Mr. Poinsett.
10. Not stated	4th January, 1825	Schooner Scott fired upon and injured at Vera Cruz	Not stated	The outrage was perpetrated for an alleged violation of the blockade of the Castle of St. Juan de Ulloa.
11. Assignees of John Coulter	6th September, 1825	Quantity of brandies seized	Not stated	The property was seized upon the pretext of its being the produce of Spain, whereas it was the produce of France.
12. G. G. & S. Howland	October, 1825	White wax seized	\$10,000	The property was seized at Alvarado upon the ground of its being of Spanish, whereas it was of Russian origin.
13. Thomas Wilson	1826	Schooner Fair American and cargo	Not stated	The seizure was made at Brazos Santiago, the port or harbor of Refugio in Mexico, upon the ground that the vessel was not provided with the proper consular certificates. All the papers sent to the legation at Mexico.
14. Atlantic Insurance Co. New York	Not stated. The letter of the president of the company asking the interposition of the Government is dated Feb. 7, 1826.	Brig Liberty stated to have been illegally seized	Not stated	All the original papers in this case having been sent to Mr. Poinsett the particulars of it cannot be ascertained.

The seizure at Sinal was made because of an alleged want of consular certificates. All the original papers sent to Mr. Poinsett.

All the papers in this case were sent to Mr. Poinsett.

The property was seized at Alvarado on the ground of its being of Spanish origin, whereas it is represented to have been imported into N. York from St. Petersburg, and thence to Alvarado. There seems to have been a condemnation by a tribunal. Nothing further relative to this case can be ascertained than that Mr. Clay, in a letter to Mr. Poinsett, dated 9th June, 1827, instructs him to give the claimant such assistance as he might deem advisable.

The claim in this case is for supplies furnished the Mexican brig of war Hermene, which put into Key West in distress. The papers in this case having been sent to Mr. Poinsett, the letter to him which accompanied them is the only document in which it is mentioned, and that only states that the claimant was deprived of the money by certain irregular and unjust proceedings of the authorities at Sinal.

It is stated that the vessel put into Vera Cruz in distress, and that the amount claimed is for the loss sustained in consequence of being obliged to pay duties on the cargo. The inferior court decided in favor of allowing the vessel to depart, but the authorities appealed to the supreme court of Puebla, whose decision does not appear.

The seizure took place at Vera Cruz during the Spanish invasion, and the vessel was constrained to carry a division of troops to Jaculata.

No further particulars respecting this case appear.

The vessel was employed to transport troops from Vera Cruz to Jaculata. Original papers sent to the legation at Mexico.

Not stated

Not stated

Not stated

Not stated

\$9,678 71

\$1,528

\$14,000

\$4,532

\$2,005, with interest

Not stated

Brig Delight. Illegal exaction of duties at San Blas, and seizure and detention of her cargo at Sinal

Not stated

White wax seized at Alvarado

Not stated

Not stated

Brig Ann detained at Vera Cruz, and her voyage broken up.

Brig William seized and employed as a transport.

Brig Urzula seized and employed for the same purpose.

Brig Splendid seized and employed for the same purpose.

Date of second act September, 1826

Not stated. The original letter of claimants dated November 23, 1826

Not stated

January, 1828

Not stated. Claimant's letter requesting interposition dated May 19, 1828.

May, 1829

August, 1829

August 3, 1829

1829

15. S. Russell and H. Nixon

16. R. M. Whitney & Co.

17. John Andrews

18. R. W. Meade

19. Pardon C. Green

20. W. Masscott

21. Charles Callaghan

22. Robinson Potter

23. John Kennedy and F. E. White.

24. Smith & Thompson

## CLAIMS ON MEXICO—Continued.

Name of the claimant.	Date of the act complained of.	Name of the vessel, or nature of the property seized or of the act complained of.	Amount claimed.	Remarks to elucidate the general nature of the claim.
25. Manuel de Cala	September, 1829	Schooner Rebecca & Eliza & cargo seized and sold.	Not stated. The vessel was insured for \$4,000.	The seizure was made at Tampico, for an alleged intent to supply with provisions the Spanish invading army.
26. A. Pell & brother	1829	Quantity of types taken and destroyed at Tampico.	\$600	The seizure was made during the Spanish invasion.
27. William H. Shaw	December, 1829	Imprisoned at Tabasco, and his vessel, the schooner Galaxy, detained.	Not stated	The claimant, who was master of the vessel, was imprisoned six weeks for no apparent cause.
28. J. K. West	Not stated	-	Not stated	The claim in this case is for a bill of exchange drawn by Mr. Herrera in favor of the claimant, when Mr. H. was appointed minister to the United States, and for supplies sent to Mexico by his direction.
29. Samuel Lowder	February, 1832	Schooner Topaz employed as a transport, captain and mate murdered.	\$6,500	The captain contracted to carry 150 soldiers from Matamoras to Galveston; on the passage he and his mate were causelessly murdered by the soldiers, and the vessel taken possession of.
30. J. W. Breedlove, and others.	March 16, 1829	Brig General Morales seized and detained at Vera Cruz.	\$8,826	The vessel arrived at Vera Cruz on the 16th of January, 1829, with no cargo, but with an excess of provisions, as it was understood that she was to be sold and fitted out as a privateer in the Mexican service. In the night of the 2d of February, 52 kegs of gunpowder were surreptitiously introduced on board of her from a schooner just arrived from New Orleans. On the 20th the whole of the powder and provisions were forcibly seized and carried from the vessel by order of the authorities at Vera Cruz. The provisions were subsequently restored; and as the vessel could not be sold for the purpose for which she had been destined, she was cleared out for New Orleans on the 16th of March.



On the same day, after she had been cleared out, the captain of the port, accompanied by about thirty men, suddenly repaired on board and seized the vessel. The legality of the seizure was contested in the Mexican courts, who eventually decided in favor of the claimants, and the vessel was restored on the 12th of October, 1830. The claim is for the detention of the brig, and the consequent losses. The pretext for the seizure was her having the gunpowder on board, which was contrary to the Mexican laws.

On the 21st of June, 1832, whilst the vessel was lying in the port of Brazoria, she was seized by John Austin, the Mexican military commandant in that quarter, and employed to make an attack upon Anahuac. During the attack she was so much injured that the owners abandoned her to the underwriters, who claim the amount specified of the Mexican Government.

On the 18th of November, 1831, the claimant obtained from the Legislature of the Mexican State of Tabasco the grant of an exclusive privilege to use steamboats on the waters of that State for the period of ten years. He accordingly sent thither a steamboat called the Hidalgo, which arrived on the 19th of June, 1832. She was to be employed chiefly in transporting logwood to the coast, and the claimant had entered into contracts with several individuals in the interior for all the logwood they had cut down in 1831, and might cut down in 1832, 1833, and 1834. He also purchased and chartered several vessels for the purpose of carrying the logwood away. The steamboat commenced her trips on the 28th of June, 1832, by going down the river to Frontera, and on the 30th, the fort there was taken by an invading force from the neighboring States of Chiapas and Yucatan, with a view to compel Tabasco to recede from its declaration in favor of Santa Anna. The garrison retreated into the town, and would have been obliged to surrender had not the Hidalgo chanced to be there; they rushed on board of her, and forced the master to convey

\$6,000.

Discriminating tonnage duties exacted in contravention of the treaty.

\$7,215

Schooner Brazoria seized & employed in the Mexican service.

\$786,507 72

Steamboat Hidalgo seized and employed in the Mexican service.

Since April 5, 1832

31. E. K. Collins

June 21, 1832

32. Jackson Marine Insurance Comp'y.

1832

33. Aaron Leggett

# CLAIMS ON MEXICO—Continued.

[ 160 ]

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Name of the claimant.	Date of the act complained of.	Name of the vessel, or nature of the property seized or of the act complained of.	Amount claimed.	Remarks to elucidate the general nature of the claim.
33. Aaron Leggett -	1832 -	Steamboat Hidalgo seized and employed in the Mexican service.	\$786,507 72 -	<p>them immediately to the capital of the State. On the 2d of July, Don Mariana Martinez, the commander-in-chief of Santa Anna's forces in that quarter, sent an order to the commander of the steamboat to hold her at his, the commander's disposal, and the order was accompanied by a file of soldiers to enforce it; and on the 6th another order was sent requiring the steamboat to be employed for the transportation of troops, and she was so employed from the 30th of June to the 2d of August, 1832; and the captain and crew were obliged, by threats of personal violence, and even of death, to submit to the orders of the officers sent on board.</p> <p>This detention of the steamboat was the primary cause of all the subsequent disasters of the claimant. The vessels which were to carry away the logwood, all arrived at Tabasco from the 16th of June to the 5th of July, but finding no cargoes ready for them, that the steamboat had been seized, and that owing to the distracted state of the country it was not probable that cargoes could be procured, they, early in August, set sail for the ports to which they respectively belonged; and the captains and owners of the vessels have since demanded of the claimant the penalties of the charter parties, which he has paid to the extent of his means. The detention of the steamboat also led to the loss of the profits which the claimant reasonably expected to derive from the contracts referred to. Her employment, too, in the service of Santa Anna, eventually led to her loss: for, on the 10th of October, 1832, having stopped at Jonuta, she suddenly filled with water and sunk; the claimant, thereupon, proceeded to Laguna, in Yucatan, to get persons to</p>

assist in raising her. On his arrival, he was summoned into the presence of the commandant general of the place, who, when informed of his object, refused himself to aid the claimant, and forbade the inhabitants of Laguna from supporting him, alleging, as a reason, that the steamboat had been the cause of the victory of Santa Anna's party on the 25th July. The schooner Consolation, belonging to the claimant, was seized and compelled to transport troops of the party opposed to Santa Anna. After her release, she was again seized by a magistrate of Santa Anna's party, because of having been employed in the service of his adversaries; the captain was put in the stocks, and the vessel finally became unseaworthy in consequence of her detention. The brig John, belonging to the claimant, was also detained by officers of Santa Anna's party, and the captain imprisoned. Dennis Gahagan, one of the claimant's agents, was likewise imprisoned; a large sum in specie was extorted from the claimant by the military officers at San Juan Bautista, in August, 1832. The losses brought upon the claimant by the incidents above detailed, were the proximate cause of the bankruptcy of the commercial house of which he was a partner, in New York.

On the 10th of March, 1834, the captain, who is the claimant, applied at the custom-house in Tabasco for a clearance, but was informed that the district judge had attached the vessel upon the pretext that the forecutter was not sealed when she arrived. On the 12th, the captain was arrested and imprisoned for thirteen days, and was only released upon the condition of paying Rogas, the district judge, one hundred and sixty dollars. He then applied for a clearance, which was refused, unless he would pay a further sum of fifty ounces in gold. On the 2d of April, after being again arrested and harassed for a pretended debt due one of his crew, he again applied for a clearance, which was granted on the responsibility of the collector. He set out with the vessel, but was ordered back by the judge, who declared he should not go until he paid the fifty ounces of gold. The vessel was then abandoned, and the judge sold her and her cargo, and pocketed the proceeds.

34. William McKeige April 2, 1824

- Brig Industry

- \$11,006 68

## CLAIMS ON MEXICO—Continued.

Name of the claimant.	Date of the act complained of.	Name of the vessel, or nature of the property seized or of the act complained of.	Amount claimed.	Remarks to elucidate the general nature of the claim.
35. New York State Marine Insurance Company; Commercial Insurance Company; Union Insurance Company.	May 2, 1832	Brig Ophir ✓	Not stated. Value of vessel supposed to be \$20,000.	About 10 o'clock in the morning of the 1st of May, 1835, the vessel anchored in the harbor of Campeche. About noon she was visited by the captain of the port and health officers, to whom the captain exhibited his list of crew, the triplicate invoices of the cargo, and the triplicate general manifest. The interpreter informed the captain that it would be necessary to carry the invoices only to the custom-house. The master then went ashore with the captain of the port in his boat, and presented the invoices at the custom-house. A young man just beginning to learn English acted as interpreter. The collector immediately addressed a written complaint to the district judge, stating that the captain had not presented the triplicate general manifests required by law to be given aboard the vessel whilst in the act of anchoring, and that he had stated that he had not made out such manifests, the captain's answer being mistaken or misinterpreted. The captain suspecting that it was intended to ensnare him, set out on his return to his vessel, but owing to the darkness of the night, and the haziness of the weather, did not find her till next morning. He presented his general manifest to the revenue officer on board, who sent it to the custom-house. On the same day (2d May) the brig was boarded by the captain of the port, her sails carried on shore, an armed guard placed on board, and she was condemned.
36. Thomas Early, Francis Early, Rufus Turnage, Albert G. Fugus.	May, 1835	The schooner Martha seized and condemned and the claimants imprisoned.	Not stated	The vessel arrived at Galveston bay on the 3d of May, 1835, and came to anchor under the stern of the Mexican Government schooner Montezuma. An officer from her repaired on board the Martha, examined the papers, and complained that the passengers had no passports, and that there were

articles on board not included in the manifest. A guard of twelve men was then sent to the Martha. Some of the passengers having been invited by the pilot of the port to go ashore next day to hunt, two or three of them were loading their guns in the cabin to be in readiness the next morning, when one of the guards looking down and seeing them reported the circumstance. Two boats were immediately sent from the Montezuma to the Martha, all the passengers forced into them, carried to the Montezuma and confined under the hatches. The next morning the Lieutenant Commandant went with some of his men provided with crow-bars, adzes, axes, &c. and searched the Martha, breaking open the barrels and boxes; after which they returned, released the passengers and sent them back to their own vessel. Though the passengers, who had saddles on board for their own use, had them taken from them under plea that they were new and had not been used. On the 6th of May the Lieutenant Commandant again repaired on board the Martha, and after searching the passengers' trunks, took all their arms from them and put them in his boat. He then called up the black steward of the Martha and told him to point out those of the passengers who were concerned in loading the guns on the evening of the 3d. When the steward had pointed them out, the Lieutenant said that he was going to make the Martha a prize, and to take the four passengers pointed out by the steward prisoners to Vera Cruz. They were consequently ordered into the boat and taken on board the Montezuma. The next day the other passengers were sent under the charge of an officer to Anahuac and there released. On her way to Vera Cruz the Montezuma stopped at Matamoras, and in consequence of the urgent solicitations and remonstrance of our consul there, the four Americans confined on board were liberated. The Martha was taken to Vera Cruz, tried and condemned. The person in question was ordered to leave Mexico in three days, upon a charge of having published an article in a newspaper animadverting upon the administration of President Santa Anna. He claims the amount specified for losses sustained in consequence of the act.

37. A. de O. Santangelo 25th June, 1835 ✓

Unjustly and illegally  
banished

\$100,000

## CLAIMS ON MEXICO—Continued.

Name of the claimant.	Date of the act complained of.	Name of the vessel, or nature of the property seized or of the act complained of.	Amount claimed.	Remarks to elucidate the general nature of the claim.
38. Peter Harmony, Le Roy, Bayard, & Co.	October, 1822	Specie seized on the way from Mexico to Vera Cruz	\$15,000	The seizure is represented to have been made by officers of Iturbide, and the money to have been carried to Perota and converted to his use.
39. Peter Harmony	Same	Same	\$5,587	A similar case to the preceding.
40. Not stated	1835	Schooner Hannah Elizabeth	Not stated	The captain and crew of this vessel, together with five persons, passengers in her, were seized at Matagorda, in Texas, and carried to Matamoros by the Mexican armed schooner Bravo. The Bravo is also represented to have fired upon the Hannah and Elizabeth.
41. Not stated	1836	Brig Jane, schooner Compeer, and other merchant vessels of the United States	Not stated	Detained by the authorities of Matamoros in violation of the eighth article of the treaty.
42. Heirs of James P. Wallace	1825	Forty casks of brandy	-	The property was shipped at New Orleans on board of the United States merchant schooner Felix, which was captured by a Mexican cruiser.
43. J. F. Lund	1836	Mules on board brig Jane	-	Detained at Tabasco.
44. -	1836	Schooner Eclipse	-	Wrecked on the Mexican coast.
45. -	1836	Schooner Northampton	Not stated	
46. John Baldwin	1831	-	Not stated	Personal injuries at Minotitlan, in Mexico.

There are other claims which were presented to the Mexican Government by the representative of the United States without waiting for the directions of the Department.

## MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TO THE HOUSE OF REPRESENTATIVES,

*Transmitting the information required by a resolution of the House of Representatives, upon the subject of the condition of the political relations between the United States and Mexico ; also, on the condition of Texas.*

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*To the House of Representatives of the United States :*

In compliance with the resolution of the House of Representatives of the 17th instant, I transmit a report from the Secretary of State, together with the documents by which it was accompanied.

ANDREW JACKSON.

WASHINGTON, January 25, 1837.

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DEPARTMENT OF STATE,

WASHINGTON, January 25, 1837.

The Secretary of State, to whom has been referred the resolution of the House of Representatives of the 17th instant, requesting the President to lay before that House, if not incompatible with the public interests, any information in his possession, showing the condition of the political relations between the United States and Mexico, and, also, any further information that he may have received on the condition of Texas, has the honor herewith to communicate copies of, and extracts from, such papers in this Department as are deemed necessary to show the present state of the political relations between the United States and the Mexican republic. Since the return of the agent who was sent to inquire into the condition of Texas, no additional information has been received on that subject. All which is respectfully submitted.

JOHN FORSYTH.

To the PRESIDENT of the United States,

## LIST.

- No. 1. Mr. Ellis to Mr. Forsyth, June 23, 1836.—*Extract.*
2. The same to Mr. Monasterio, May 30, 1836.
3. Mr. Monasterio to Mr. Ellis, June 10, 1836.
4. Translation of the same.
5. Mr. Monasterio to Mr. Ellis, June 17, 1836.
6. Translation of the same.
7. Mr. Tornel to Mr. Monasterio, June 15, 1836.
8. Translation of the same.
9. Mr. Ellis to Mr. Forsyth, July 12, 1836.—*Extract.*
10. Commodore Dallas to Mr. Robertson, April 26, 1836.
11. Mr. Robertson to General Gomez, May 3, 1836.
12. General Gomez to Mr. Robertson, May 3, 1836.
13. Translation of the same.
14. Mr. Robertson to General Gomez, May 4, 1836.
15. The same to Mr. Ellis, May 6, 1836.
16. Lieutenant Osborn to Mr. Robinson, May 5, 1836.
17. Mr. Robertson to General Gomez, May 5, 1836.
18. General Gomez to Mr. Robertson, May 5, 1836.
19. Translation of the same.
20. Mr. Robertson to General Gomez, May 5, 1836.
21. Mr. Monasterio to Mr. Ellis, June 14, 1836.
22. Translation of the same.
23. Mr. Ellis to Mr. Monasterio, June 16, 1836.
24. Mr. Monasterio to Mr. Ellis, June 21, 1836.
25. Translation of the same.
26. Mr. Ellis to Mr. Monasterio, June 25, 1836.
27. The same to Mr. Robertson, June 29, 1836.
28. The same to Mr. Forsyth, July 16, 1836.
29. Mr. Butler to Mr. Monasterio, March 8, 1836.
30. Mr. Monasterio to Mr. Butler, March 16, 1836.
31. Translation of the same.
32. Mr. Forsyth to Mr. Ellis, July 20, 1836.
33. Mr. Coleman to Mr. Forsyth, May 18, 1836.
34. The same to the same, June 6, 1836.—*Extract.*
35. Mr. Ellis to the same, October 11, 1836.
36. The same to Mr. Monasterio, September 26, 1836.
37. Mr. Monasterio to Mr. Ellis, October 3, 1836.
38. Translation of the same.
39. Mr. Ellis to Mr. Forsyth, October 4, 1836.
40. The same to Mr. Monasterio, September 9, 1836.
41. Mr. Monasterio to Mr. Ellis, September 13, 1836.
42. Translation of the same.
43. Mr. Ellis to Mr. Forsyth, October 5, 1836.
44. The same to Mr. Monasterio, September 15, 1836.
45. Mr. Monasterio to Mr. Ellis, September 21, 1836.
46. Translation of the same.
47. Mr. Ellis to Mr. Monasterio, September 20, 1836.
48. Mr. Monasterio to Mr. Ellis, September 27, 1836.
49. Translation of the same.



- No. 50. Mr. Ellis to Mr. Forsyth, October 11, 1836.—*Extract.*  
51. The same to the same, October 25, 1836.  
52. The same to Mr. Monasterio, October 20, 1836.  
53. Mr. Monasterio to Mr. Ellis, October 21, 1836.  
54. Translation of the same.  
55. Mr. Ellis to Mr. Forsyth, November 10, 1836.  
56. The same to Mr. Monasterio, November 4, 1836.  
57. The same to Mr. Forsyth, November 3, 1836.—*Extract.*  
58. The same to the same, December 9, 1836.—*Extract.*  
59. Mr. Forsyth to Mr. Ellis, December 10, 1836.  
60. Mr. Ellis to Mr. Forsyth, December 14, 1836.  
61. The same to the same, December 21, 1836.—*Extract.*  
62. Mr. Perrine to Mr. Ellis, September 4, 1836.  
63. Mr. Burrough to Mr. Forsyth, November 22, 1836.  
64. The same to the same, December 1, 1836.—*Extract.*  
65. Mr. Ellis to Mr. Forsyth, September 7, 1836.  
66. Mr. Forsyth to Mr. Ellis, December 20, 1836.  
67. Mr. Ellis to Mr. Forsyth, October 15, 1836.  
68. Mr. Burrough to Mr. Ellis, October 8, 1836.  
69. Mr. Ellis to Mr. Monasterio, October 14, 1836.  
70. Mr. Forsyth to Mr. Ellis, December 9, 1836.—*Extract.*  
71. Mr. Ellis to Mr. Forsyth, January 12, 1837.

## No. 1.

Mr. Ellis to Mr. Forsyth.—*Extract.*LEGATION OF THE UNITED STATES,  
MEXICO, June 23, 1836.

\*     \*     \*     \*     \*

From the enclosed papers (B), you will see the evasive and unsatisfactory answer given to my note of the 30th ultimo, demanding satisfaction of this Government for the outrage committed on the American flag, in the capture of the Hannah Elizabeth by the General Bravo, and the imprisonment of the captain, crew, and passengers.

These acts of injustice and oppression are daily perpetrated on citizens of the United States, and every succeeding application for redress is met with cold neglect, and, no doubt, with a secret determination to commit similar offences, seeing that they have heretofore done so with entire impunity. If a satisfactory explanation is not given of this affair in a short time, I shall feel it to be my duty to communicate, in the most decisive manner, to the Mexican Government, the unalterable purpose of the United States not to submit to these reiterated aggressions upon the persons and property of American citizens.

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 No. 2.
*Mr. Ellis to Mr. Monasterio.*LEGATION OF THE UNITED STATES OF AMERICA,  
MEXICO, May 30, 1836.

The undersigned, chargé d'affaires of the United States of America, has the honor to present his compliments to the acting minister of foreign affairs, and begs leave to call his attention to the capture of an American vessel by the Mexican armed vessel General Bravo, in the port of Matagorda, in the month of November last. The Hannah Elizabeth, of New Orleans, sailed from that port on the 13th of November, 1835, bound to Matagorda, Texas; and on the 18th of the same month, she stranded on the bar, in attempting to enter the bay of Matagorda. While in this unfortunate condition, she was fired into by the Mexican armed vessel of war General Bravo, boarded by twenty armed soldiers, under the command of two officers, who forcibly took the captain, crew, and passengers from the wreck on board the Bravo, when they were chained in the hold of that vessel until their arrival in Matagorda, on the 2d of December, 1835. They were then landed in a naked, feeble condition, and placed under a guard of soldiers at the Bravo de Santiago, pillaged of their clothes, after having been on short allowance during their imprisonment on board the General Bravo.

In a time of profound peace the Hannah Elizabeth was sailing in the pursuit of a lawful trade, under the protection of the flag of a neutral and

friendly Power, and she had every reason to calculate on the hospitality of the Mexican Government and people, and more especially when it was known she was in distress. The violence offered to her, under such circumstances, I am well persuaded, is an act of injustice committed without the knowledge of this Government; and I have too high a respect for its character to suppose, for a single moment, it will sanction an outrage directly in opposition to the treaty of amity, commerce, and navigation, subsisting between the two republics. I have been informed the crew and passengers have been set at liberty; but I have not been advised of the release of the captain of the *Hannah Elizabeth*. I then, in compliance with instructions from my Government, demand the immediate release of this individual, ample damages for the illegal detention of himself, crew, and passengers, and an apology for the insult to the flag of the United States, by the firing of the General Bravo upon the *Hannah Elizabeth*.

The undersigned embraces the present occasion to offer to his excellency the acting minister of foreign affairs the assurance of his distinguished consideration.

POWHATAN ELLIS.

To his Excellency the ACTING MINISTER OF FOREIGN AFFAIRS.

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No. 3.

*Mr. Monasterio to Mr. Ellis.*

PALACIO DEL GOBIERNO NACIONAL,  
Mexico, 10 de Junio de 1836.

El infrascrito, oficial mayor encargado del despacho de la Secretaria de Relaciones, tiene el honor de comunicar al Señor Powhatan Ellis, que hoy ha trasladado al Ministerio de la Guerra, para que acuerde lo conveniente, su nota de 30 de Mayo último, relativa al apresamiento del buque Americano *Hannah Elizabeth*, por el Mexicano llamado Grál. Bravo; y luego que el que suscribe reciba contestacion, la pondrá en conocimiento del Sr. Ellis, á quien, entre tanto, reproduce las seguridades de su muy distinguida consideracion y aprecio.

JOSE MARIA ORTIZ MONASTERIO.

Al Sr. POWHATAN ELLIS,  
*Encargado de Negocios de los E. U. de America.*

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No. 4.

*Mr. Monasterio to Mr. Ellis.*

[TRANSLATION.]

PALACE OF THE NATIONAL GOVERNMENT,  
Mexico, June 10, 1836.

The undersigned, chief clerk charged with the despatch of the De-

partment of Relations, has the honor to inform Mr. Powhatan Ellis that he has this day conveyed to the Secretary of War, with a view to his suitable advice, his note of the 30th of May last, relative to the capture of the American barque Hannah Elizabeth by the Mexican, called General Bravo; and that as soon as the undersigned receives a reply, he will make it known to Mr. Ellis, to whom, in the interim, he renews the assurances of his very distinguished consideration and esteem.

JOSE MARIA ORTIZ MONASTERIO.

To Mr. POWHATAN ELLIS,

*Chargé d'Affaires of the U. States of America.*

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No. 5.

*Mr. Monasterio to Mr. Ellis.*

PALACIO DEL GOBIERNO NACIONAL,

*Mexico, 17 de Junio de 1836.*

El infrascrito, oficial mayor de la Secretaría de Relaciones, encargado de su despacho, tiene el honor de dirijir al honorable Sr. Powhatan Ellis copia del oficio que ha recibido del Ministerio de Guerra acerca del apresamiento de la goleta Americana Ana Elizabeth, por la Mexicana General Bravo, de cuyo asunto trató el Sr. Ellis en su nota de 30 del mes proximo pasado; aprovechando el que suscribe la oportunidad de reproducirle las seguridades de su muy distinguida consideracion.

JOSE MARIA ORTIZ MONASTERIO.

Al Hon. Sr. POWHATAN ELLIS,

*Encargado de Negocios de los E. U. de America.*

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No. 6.

*Mr. Monasterio to Mr. Ellis.*

[TRANSLATION.]

PALACE OF THE NATIONAL GOVERNMENT,

*Mexico, June 17, 1836.*

The undersigned, chief clerk in the Department of Relations, charged with its despatch, has the honor to enclose to the Hon. Powhatan Ellis a copy of the official note which he has received from the Minister of War, in relation to the capture of the American schooner Hannah Elizabeth by the Mexican General Bravo, in which subject Mr. Ellis treated in his note of the 30th ultimo; the undersigned availing himself of the opportunity of renewing to him the assurances of his very distinguished consideration.

JOSE MARIA ORTIZ MONASTERIO.

To the Hon. POWHATAN ELLIS,

*Chargé d'Affaires of the U. States of America.*

No. 7.

*Mr. Tornel to Mr. Monasterio.*SECRETARIA DE GUERRA Y MARINA,  
*Mexico, 15 de Junio de 1836.*

Al oficio de V. S. de 10 del actual, sobre el reclamo que hace el Sr. encargado de negocios de los Estados Unidos de America por lo sucedido en las inmediaciones de Matagorda á fines del año proximo pasado entre nuestra goleta de guerra "General Bravo" y la mercante Norte Americana "Anna Elizabeth," tengo el honor de contestar diciendo que con esta fecha se há mandado instruir la sumaria correspondiente al comandante general de N. Leon y Tamaulipas, para dictar las providencias correspondientes á fin de aseguron mas y mas la buena armonia entre nuestro Gobierno y el de los Estados Unidos. Reitero á V. S. las protestas de mi consideracion.

Dios y Libertad.

TORNEL.

*Sr. Oficial Mayor Encargado de la Secretaria de Relaciones.*

Es copia: MEXICO, 17 de Junio de 1836.

JOSE MARIA ORTIZ MONASTERIO.

No. 8.

*Mr. Tornel to Mr. Monasterio.*

[TRANSLATION.]

OFFICE OF THE SECRETARY OF WAR AND MARINE,  
*Mexico, June 15, 1836.*

To the official note of your excellency of the 10th instant, upon the reclamation which the chargé d'affaires of the United States of America has made for the occurrence in the neighborhood of Matagorda, towards the close of the year last past, between our vessel of war "General Bravo" and the North American trader "Hannah Elizabeth," I have the honor to reply by saying, that the commandant general of N. Leon and Tamaulipas has been this day instructed to communicate a summary of the whole transaction, in order that the corresponding provisions may be decreed, with a view to secure more and more the good friendship between our Government and that of the United States. I reiterate to you the protestations of my consideration.

God and Liberty.

TORNEL.

*The Chief Clerk in the Department of Relations.*

Copy: MEXICO, June 17, 1836.

JOSE MARIA ORTIZ MONASTERIO.

*Mr. Ellis to Mr. Forsyth.—Extract.*

LEGATION OF THE UNITED STATES OF AMERICA,

*Mexico, July 12, 1836.*

On Tuesday the 14th ultimo, his excellency the acting Minister of Foreign Affairs called on me and expressed his surprise that an American squadron should have made its appearance off the bar of Santa Anna de Tamaulipas, with the avowed intention of demanding satisfaction of the authorities of that place for a supposed insult offered to the American consul and a lieutenant of the United States schooner Jefferson, when the Government of the United States had an accredited diplomatic agent residing in the Mexican capital. I replied that I had not been apprized of the arrival at Tampico of an American squadron, and could not, therefore, pretend to state the object of its visit. As I could not give him a satisfactory explanation of the object of such a movement on the part of the public armed vessels of the United States, the conversation closed by his stating that he would address me a note on the subject, and my reply that it would afford me great pleasure to give all his communications the most prompt consideration.

Previous to this interview, I had received from our consul at Tampico a full statement of the alleged outrage complained of by Captain Jackson, of the United States schooner Jefferson. I cannot well conceive of a more insulting and humiliating indignity offered to the flag of a friendly Power, than that manifested in the seizure and imprisonment of Lieutenant Osborn and boat's crew, when that officer landed under orders to communicate with the American consul. The paper marked A contains all the facts in reference to the improper conduct of the commandant general at Tampico; and that marked B, the correspondence between Mr. Monasterio and myself, in which it will be seen this Government disavows the illegal and offensive acts of that officer, and has removed him from office, with an assurance that his conduct shall be investigated by a court martial, and further punishment inflicted on the offender, if found guilty.

These concessions, in that spirit of friendship and forbearance which the United States have always shown, with no other disposition than to cultivate the most amicable relations with this country, I have been induced to receive as a satisfaction for the injury complained of in my note addressed to Mr. Monasterio on the 16th ultimo. As Captain Jackson did not, nor ask permission to, enter the port of Tampico with the vessel under his command, I purposely avoided opening the question of the right of this Government to inhibit, under existing circumstances, the public armed vessels of the United States to enter their ports and harbors.

Hon. J. FORSYTH,  
*Secretary of State, Washington city.*

No. 10.

*Commodore Dallas to Mr. Robertson.*

UNITED STATES FRIGATE CONSTELLATION,  
*Pensacola Bay, April 26, 1836.*

SIR: Captain Jackson, commanding the United States revenue cutter Jefferson, acting with the squadron under my command, visits Tampico and the coast of Mexico, for the purpose of rendering, if necessary, every assistance in his power to our commerce.

Any information you may give him conducive to that object will be acceptable, and oblige

Your obedient servant,

A. J. DALLAS.

To GEORGE R. ROBERTSON, Esq.,  
*U. S. Consul, Tampico.*

No. 11.

*Mr. Robertson to General Gomez.*

AMERICAN CONSULATE,  
*Tampico, May 3, 1836.*

SIR: In presenting you this morning the lieutenant of the United States cutter schooner Jefferson, which arrived off the bar this morning, the subject of the right of her coming over the bar was discussed, in which you observed that she could not be allowed to come in, unless she wanted supplies, or was in distress.

The object of this communication is to know from you, that in case the said vessel should choose to make the attempt to cross the bar, whether any obstructions would be made on your part?

An early answer to this communication will confer a favor on

Your very obedient servant,

G. R. ROBERTSON.

To DON GREGORIO GOMEZ,  
*Military Commandant.*

No. 12.

*General Gomez to Mr. Robertson.*

SANTA ANNA DE TAMAULIPAS,  
*3 de Mayo de 1836.*

Contesto la nota de V. de 3 del corriente para manifestarle lo que verbalmente le insinué al presentarme de la goleta de guerra Jefferson, a

saber que no permitire la entrada de dicho buque de guerra como Tampico el de ninguna otra nacion sinque una necesidad urgente exijirse alguna reparacion. Si como V. mi insinua en su precitada nota cometiese el atendado de verificarlo á la fuerza mi sobran recursos para sostener el decoro de la nacion que con tal hecho créeria ultrajado pareciendome muy extraño se me haya semejante indicacion. Digolo á V. en debida contestacion á su oficio de esta fecha que provoca esta resolucion.

Dios y libertad.

GREGORIO GOMEZ.

DON JORGE R. ROBERTSON,

*Sr. Consul de los Estados Unidos del N. America en este puerto.*

No. 13.

*General Gomez to Mr. Robertson.*

[TRANSLATION.]

SANTA ANNA DE TAMAULIPAS,

*May 3, 1836.*

I reply to your note of the 3d instant; in order to inform you, as I verbally communicated to the lieutenant of the armed schooner Jefferson, that I would not allow the said vessel of war, nor any other of any nation, to enter, unless in case of urgent need of repairs; if you should, as you hint in your aforesaid note, endeavor to enter, I have the means of sustaining the honor of the nation, which would be outraged by such a proceeding. It appears to me very strange that you should make such a declaration. This I say in reply to your note of this day, which has induced my resolution.

God and liberty.

GREGORIO GOMEZ.

TO GEORGE R. ROBERTSON, Esq.,

*Consul of the United States of North America in this port.*

No. 14.

*Mr. Robertson to General Gomez.*

AMERICAN CONSULATE,

*Tampico, May 4, 1836.*

SIR: I have the honor to acknowledge the receipt of your official note of yesterday, and observe by its contents that a very great mistake was made by the translator of my letter from English to Spanish, of the word "atentado." It was never intended to be used by me, and, as a proof of which, I send you a copy of my note in English.



With respect to the subject of my communication of yesterday, I beg to inform you that an American man-of-war has been sent for, at the request of the American merchants, and one that could cross the bar : and the fact of your preventing her from entering the river, I cannot but view as an act in hostility to the present friendship and good understanding which exists between the two countries.

I have the honor to be, &c.

G. R. ROBERTSON.

To Gen. GREGORIO GOMEZ, &c.

No. 15.

*Mr. Robertson to Mr. Ellis.*

CONSULATE OF THE UNITED STATES OF AMERICA,  
*Tampico, May 6, 1836.*

SIR: I beg to inform you that, on the 3d instant, the United States schooner cutter Jefferson, Captain Jackson, anchored off this port direct from Pensacola, having been sent here by order of Commodore Dallas. When the vessel first appeared off, a signal was made that she was of a suspicious character, which appeared to create some alarm. A short time after, the first lieutenant of the cutter came up and presented his letters to me, not, however, without an officer at his side to present him to the military chief, Don Gregorio Gomez. At the time of presenting the lieutenant, the commandant received a note from the bar, in which he observed that the lieutenant had said that the schooner was coming into the river. I observed that Captain Jackson had not, in his note to me, expressed any such wish, thinking it would be quite unnecessary to ask permission for a friendly flag to enter the river. He replied that he would not permit her to come in; after which, I addressed him a note. Copies of our correspondence are herewith enclosed.

It appears that, after I had presented the lieutenant as an American officer, my assertion was not believed, for they not only doubled their guards, but sent about fifty men to the entrance of the river; which has created double the hostile feeling against Americans that previously existed, the first cause of which I attribute to the present war in Texas. I beg to assure you that this vessel has been treated more like an enemy than a friend. I beg that this subject may be presented to this Government without delay, and to know if United States vessels of war shall be debarred from coming into port. I have frequently, at the request of the American merchants in this place, written to Pensacola for small vessels of war that could cross the bar, in order to give better protection to the American commerce in case of need. This vessel has been sent for that object; but it seems that the military commandant has taken it as an insult, and has treated the subject accordingly.

As this country has been so often the scene of civil warfare, it is reasonable to suppose that it is not in their power at all times to give that protection to foreign commerce which is required: so that, in a case of that kind, if vessels of war are debarred from coming in, we are naturally left without any protection whatever.

I enclose you a copy of a communication received from Lieutenant Osborn, of the schooner Jefferson, who came on shore yesterday, by which you will perceive that he and his boat's crew were grossly insulted, by being imprisoned, and myself treated in a manner, as a public agent, that no Government ought to allow. I have resided in this country as American consul for twelve years past, and this is the first time I have ever had any dispute with the authorities of the place, and I attribute the whole to the existing warfare now raging in Texas.

I have the honor to be, sir,

Your very obedient, humble servant,

GEO. R. ROBERTSON.

To P. ELLIS, Esq.,  
*Chargé d'Affaires, Mexico.*

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No. 16.

*Lieutenant Osborn to Mr. Robertson.*

TAMPICO, May 5, 1836.

SIR: I beg to inform you that I left the United States schooner Jefferson this morning, by orders of Captain Jackson, to communicate with you; that, on our arrival in the river, I was put in custody of an officer, and sent to the town. On our arrival, I was taken to a house in front of the river, where I had been but a short time before your arrival. When in the act of speaking to you, I understood the officer whom I was with to say that you could not speak with me. That I was marched to the house of the military commandant, and there examined; and afterwards was told that I could go and see my consul. My boat's crew informed me that, during my absence, they were put in prison, and there detained for a length of time.

Very respectfully,

Your obedient servant,

THOS. OSBORN,

*3d Lieut. U. S. cutter Jefferson.*

To GEORGE R. ROBERTSON,  
*United States Consul, Tampico.*

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No. 17.

*Mr. Robertson to General Gomez.*

AMERICAN CONSULATE,

*Tampico, May 5, 1836.*

SIR: The object of the present communication is to require from you immediate satisfaction for the very gross insult offered to the American flag, and to myself, as consul of the United States.

On the arrival of the boat belonging to the United States schooner Jefferson, the lieutenant was taken prisoner, and myself not allowed to speak to him; the boat's crew were put in prison during the pleasure of the officer who put them there.

To avoid further dispute respecting this vessel, I request an answer as soon as possible.

Your very obedient servant,

GEORGE R. ROBERTSON.

To Gen. GREGORIO GOMEZ,  
*Commanding this Department.*

No. 18.

*General Gomez to Mr. Robertson.*

SANTA ANNA DE TAMAULIPAS,

5 de Mayo de 1886.

Mi ayudante de campo Don Alejandro Vaulac, por orden mia, ha dado á V. satisfaccion del que reclama como insulto y que solo fué una precaucion del oficial de la barra. En el acto se dieron las ordenes convenientes para que el oficial y tripulacion pudiesen francamente comunicarse en esta plaza como lo hizo á V. entender mi referido ayudante, pareciendome por demas este descomedido reclamo oficial cuando ya se satisfizo á V. verbalmente, ocupando el tiempo, y dando mayen á contestaciones desagradables, que espero procure V. evitar sino es en caso que lo cesija la necesidad, pues segun advierto se buscan solo por V. motivos de discordia y desavenencia á que provocan sus comunicaciones, y que al fin presaran contra V. mismo pues me hayo en el caso de sostener el decoro de la nacion á que represento, pues tiene V. franca puerta para ocurrir al Gobierno en caso que crea se le falte en algun modo.

Digolo á V. en contestacion á su ultima nota relativa á este suceso de este momento.

Dios y libertad.

GREGORIO GOMEZ

Sör. CONSUL de los Estados Unidos de America en este puerto.

No. 19.

*General Gomez to Mr. Robertson.*

[TRANSLATION.]

SANTA ANNA DE TAMAULIPAS,

May 5, 1886.

My sid-de-camp, Mr. Alexander Vaulac, by my order, has given you satisfaction for what you demand reclamation as an insult, but which was

only a precaution on the part of the officer of the bar. In the act, suitable orders are given by which the officer and crew may freely communicate with this place, as my aforesaid aid has given you to understand; this haughty official call appearing to me, after I had given you verbal satisfaction, superabundant, wasting time, and giving scope to disagreeable disputes, which I hope you will now shun, as the necessity for them is at an end, since I perceive they were sought by you only as motives for discord and disagreement by which to provoke these communications, and which ultimately will weigh against yourself; inasmuch as I find myself in a situation to sustain the dignity of the nation which I represent, whilst you have an open door through which to run to your Government in case you believe yourself at fault in any particular.

This I say to you in reply to your last note on this subject.  
God and liberty.

GREGORIO GOMEZ.

To the CONSUL of the United States for this port.

No. 20.

*Mr. Robertson to General Gomez.*

AMERICAN CONSULATE,

*Tampico, May 5, 1836.*

SIR: When our correspondence commenced on the subject of the United States schooner of war Jefferson appearing off this port, I did not anticipate, for a moment, that any word or expression would be used that could possibly give offence on either side.

I was entirely unaware that the royal order of the 13th of June, 1771, was in force in this port, particularly as I have myself seen both British and American vessels of war in this river, without the slightest intimation from any of the authorities that they were contravening the laws of the land. In regard to the 10th article of the treaty, to which you allude, I have perused it with attention, and am unable to perceive that it has any bearing on the present question.

The refusal to permit a national vessel of the United States into this port appeared to me so extraordinary, that I thought it necessary to ask from you a declaration in writing, lest I might, in conversation, have misconstrued your meaning. This, and this only, produced my note of the 3d instant, and to this it was confined. You will find, by a re-perusal, that I by no means insisted on the entrance of the vessel, as you state in your communication of yesterday's date, nor even did I ask permission.

As respects the indecorous language to which you allude, I am unconscious of having used any, and it remains for you, sir, to point it out. I most willingly disclaim any intention of the kind, having, in all my intercourse with the authorities of this country, treated them with unvaried respect.

It certainly does appear that, when an American man-of-war is off this port, she is treated more like an enemy than a friend. The greatest

anxiety was exhibited at the bar, a short time since, when the United States ship St. Louis arrived, but much more so when the schooner Jefferson appeared off. I cannot conceive it as treating the American flag with proper respect, that when an officer comes on shore he is compelled to be escorted to the town by another; that, of itself, implies a suspicion that the vessel is not of the character she is represented.

In reply to your assertion that you regard my representations as a national pretext for a rupture of amicable relations between our respective countries, I have only to disclaim it as totally unfounded and unwarranted by the facts of the case. My Government, sir, uses no pretexts for the attainment of any purpose; but I shall make no further observations on this part of your communication; it will be submitted to higher powers than either you or I. I have only to add, that I am perfectly willing to take upon myself all the responsibility that can justly fall to my share in this transaction.

G. R. ROBERTSON.

To Gen. GREGORIO GOMEZ.

No. 21.

*Mr. Monasterio to Mr. Ellis.*

PALACIO DEL GOBIERNO NACIONAL,  
Mejico, á 14 de Junio de 1836.

El infrascrito, oficial mayor, encargado del despacho de la Secretaría de Estado y de Relaciones Exteriores, tiene el honor de informar al Sr. encargado de negocios de los Estados Unidos, que el dia 1o del corriente, se presentó y fondeó en el puerto de Tampico la goleta de guerra Americana Jefferson, á la cual mando notificar el comandante principal de aquel departamento, que hallandose cerrado aquel puerta para los buques de todas las naciones, le estaba prohibida su franca comunicacion: el buque permaneció no obstante frente á la barra, hasta el dia 4, en que se hiró a la vela despues de haber hablado con la goleta de guerra Americana Grampus, de 18 cañones, que fondió frente á la bara: al dia siguiente llegó tambien otra corbeta Americana, y ambos permanecen anclados allí.

El comandante de la goleta Grampus dirigió una nota al principal del puerto, informandole de que, por orden del gefe de la division del crucero de las Antillas, habia venido á entrar en contestaciones con el acerca del insulto que se habia hecho al pabellon Americana, en razon de que queriendo la Jefferson comunicarse con el consul de su nacion, no se le permitió la entrada, y cuando su comandante resolvió á mandar á dentro una de sus embarcaciones al mando de un oficial de marina al llegar á tierra fue este arrestado con la gente que la tripulaba.

El comandante del Departamento de Tamaulipas, al participar este al Ministerio de la Guerra, protestar, ser exagerada la relacion que hace el de la Grampus sobre el mal trato inferido al oficial Americano; y dice, como en afecto es asi, que el oficial que mandaba el punto fortifi-

cado de la barra, pudo en cumplimiento de su deber, y conforme á las leyes del pais, recibir y detener, (no por via de prision, sino como una precaucion) al dicho oficial y tripulacion, hasta que fuese presentado á la autoridad competente sin permitir la comunicacion libre antes de practicar este requisito; y dice tambien, que al momento que le fue presentado el oficial, loque se verifico con decoro y sin ningun maltrato, dió permiso que era necesario para la comunicacion: concurriendo ademas la circunstancia de haberse presentado la Jefferson con bandera que no es la propia de los buques de guerra Americana, y que hizo dar al punto al consul de los Estados Unidos las explicaciones mas sinceras, de un caso que atentadas las circunstancias, no podia tomarse en ningun tiempo como ultraje fecho al pabellon de su nacion.

El Supremo Gobierno Mejicana no puede menos de observar con sorpresa, que habiendo un agente acreditado en Mejico, por parte de los Estados Unidos se proceda por buques de guerra á pedir satisfaccion de un hecho, que segun los antecedentes no ha sido otra cosa que el cumplimiento de las leyes Mejicanas; y espera que el Sr. Powhatan Ellis dara sus ordenes para que se retiren los mencionados buques: bajo la protesta formal, deque el Gobierno esta pronto a entrar en las explicaciones, y dar las satisfacciones qe sean necesarios, sentado el caso, deque las autoridades hayan podido excederse, en atencion a las relaciones amistosas existentes entre las dos naciones, y las cuales es de su deber, a si como del deseo, el proteger y mantener, y hacer castigar a cualquier oficial Mejicano que resulte culpable.

El infrascrito se vale de esta ocasion para reiterar al Sr. Powhatan Ellis encargado de negocios de los Estados Unidos de America, las seguridades de su alta consideracion y aprecio.

JOSE MARIA ORTIZ MONASTERIO.

Al. Sr. POWHATAN ELLIS,

*Escargado de Negocios de los Estados Unidos de America.*

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No. 22.

*Mr. Monasterio to Mr. Ellis.*

[TRANSLATION.]

PALACE OF THE NATIONAL GOVERNMENT,

*Mexico, June 14, 1836.*

The undersigned, chief clerk, charged with the despatch of the Department of State and of Foreign Relations, has the honor to inform the chargé d'affaires of the United States of America that, on the 1st instant, the American schooner of war Jefferson presented herself, and came to in the port of Tampico; on which, notice was given her commander, by the head of that Department, that that port being closed against the vessels of all nations, he was prohibited free communication. The schooner continued, notwithstanding, in front of the bar until the 4th, when she made sail, after having spoken with the American sloop of war Grampus, of eighteen guns, which came to in front of the bar. On the following day, there arrived also another American corvette, and both remain anchored there.

The commander of the schooner Grampus directed a note to the principal of the port, informing him that, by order of the chief of the division on the West India station, he had come to enter into a correspondence with him relative to the insult which he had inflicted on the American flag, inasmuch as the Jefferson, when seeking communication with the consul of her country, was not permitted to enter; and when her captain resolved to communicate with one of his boats, under the command of a naval officer, on reaching the shore, was seized, together with the crew who manned it. The commandant of the department of Tamaulipas, in announcing this information to the Secretary of War, protests that the relation is exaggerated (which is made by the captain of the Grampus) upon the inferred maltreatment of the American officer; and says (as in truth is the case) that the officer who commanded the fortified post on the bar, whilst in the discharge of his duty, and conformably to the laws of the country, received and detained (not to be sent to prison, but as a precaution) the said officer and his crew, until he could be presented to the proper authorities, without permitting free communication before complying with this requisite; and he further says that, at the moment when the officer was presented to him he treated him with decorum, and without any harshness, and gave him permission to make the necessary communication; confirming, moreover, the circumstance of the Jefferson having presented herself with colors which do not belong to American ships of war; and that, having made to the consul of the United States the most sincere explanations for an accident which accompanied these circumstances, he could not take it as an outrage done to the flag of his country.

The Supreme Mexican Government cannot but observe with surprise that, having an agent accredited in Mexico on the part of the United States, armed vessels should come to demand satisfaction for an action which, according to the foregoing, has been nothing more than a fulfilment of the Mexican laws. And it hopes that Mr. P. Ellis will give his orders that the said vessels shall retire, under the formal assurance that this Government is ready to enter into explanations, and give such satisfaction as may be necessary, admitting that the authorities might have exceeded their powers, in consideration of the amicable relations existing between the two nations, and which it is its duty, as it is its desire, to protect and maintain, and to bring to punishment whatever Mexican officer may prove to be culpable.

The undersigned avails himself of this occasion to reiterate to Mr. Powhatan Ellis, chargé d'affaires of the United States of America, the assurances of his high consideration and approval.

JOSE MARIA ORTIZ MONASTERIO.

To Mr. POWHATAN ELLIS,

*Chargé d'affaires of the United States of America.*

No. 23.

*Mr. Ellis to Mr. Monasterio.*

LEGATION OF THE UNITED STATES OF AMERICA,

*Mexico, June 16, 1836.*

The undersigned, chargé d'affaires of the United States of America,

has the honor to acknowledge the receipt of your excellency's note of the 14th instant, advising him of the appearance of an American squadron off the bar of Tampico, to demand an explanation of the authorities of that place, for an insult offered to the American flag, in the seizure of an officer and boat's crew of the United States cutter Jefferson, on their landing to communicate with the American consul, and requesting the undersigned to order said squadron to retire from its present position.

To comply with this request would involve a high responsibility, inconsistent with the duties of the representative of the United States, unless he can accompany his orders to that effect with an assurance that a previous satisfactory explanation has taken place; and this is the more necessary, since he is not officially advised by his Government of the precise object of the appearance of the American squadron off the harbor of Santa Anna de Tamaulipas.

The assurance given in your note, "that this Government is ready to enter into explanations, and give such satisfaction as may be necessary, admitting that the authorities might have exceeded their powers, in consideration of the amicable relations existing between the two nations, which it is its duty, as it is its desire, to protect and maintain, and to bring to punishment whatever Mexican officer may prove to be culpable," is received by the undersigned as an evidence of frankness on the part of the Supreme Mexican Government, indicating its friendly disposition towards the United States of America. In the same spirit of frankness and cordiality, I have the honor to enclose, herewith, for your consideration, the original papers, marked Nos. 1, 2, 3, 4, and 5, forwarded to this legation from the American consul at Tampico, detailing the nature and character of the outrage committed on the American flag. The seizure and imprisonment of Lieut. Osborn and his boat's crew, on their landing; the refusal of the Mexican authorities to extend to him that courtesy due to an officer of a neutral Power, after his character was known; and the improper language used by the commandant general to the American consul, in his correspondence with that officer, are all circumstances manifesting an unfriendly spirit towards the United States, which, I trust, will not be countenanced by this Government.

The suggestion made by the commandant general, that the Jefferson presented herself under colors which do not belong to American ships of war, I am inclined to think cannot be correct, as it is contrary to the uniform practice of the public armed vessels of the United States, when entering the ports of a friendly Power.

Entertaining the same opinion with your excellency, that the authorities in Tampico have exceeded their just and legal powers, I trust this unpleasant difficulty may be closed, by the Mexican Government tendering to that of the United States an apology for the violation of its unquestioned rights, in the outrage perpetrated on Lieutenant Osborn and boat's crew, and in the treatment of the American consul at Tampico; and that the Supreme Mexican Government cause the author of these arbitrary and indefensible acts to be punished.

After taking copies of the enclosed documents, have the kindness to return the originals to this office.

The undersigned avails himself of the present occasion to repeat to his excellency Don Jose Maria Ortiz Monasterio, the acting minister of



foreign affairs, the assurance of his distinguished consideration and respect.

POWHATAN ELLIS.

To his Exc'y the ACTING MINISTER OF FOREIGN AFFAIRS.

No. 24.

*Mr. Monasterio to Mr. Ellis.*

PALACIO DEL GOBIERNO NACIONAL,

*Mejico, 21 de Junio, de 1836.*

El infrascrito, oficial mayor 1o de la Secretaria de Relaciones, encargado de su despacho, ha tenido el honor de recibir la nota del honorable Sor. Powhatan Ellis, fecha 16 del actual, relativa á las contestaciones habidas entre el comandante militar de Tampico y el consul de los Estados Unidos en aquella ciudad, con respecto á la entrada de la goleta Americana Jefferson. S. E. el Presidente interino, á quien el infrascrito ha dado cuenta con dicha nota, y los documentos que incluye, ve con sentimiento que la interpretacion que el insinuado comandante dió á algunas espresiones del consul referido, le hiciesen contestarle de un modo que desdice á las francas y amistosas relaciones de ambos paises, hasta el caso de créerse, que se hacia un ultraje á la bandera de los Estados Unidos de America. Sin duda de que no fue esta la interpretacion de aquel oficial, que conoce bien los deberes en que lo constituye su empleo, y la responsabilidad en que incurriaria, si con voluntad determinada, dejase de guardar las debidas consideraciones á toda potencia amiga de la Mejicana; pero esto no obstante, el Supremo Gobierno, que habia relevado ya al General Don Gregorio Gomez de la comandancia militar de Santa Anna de Tamaulipas, sustituyendole con un gefe de quien se li-songea sabrá conservar la mejor armonia con los agentes y subditos de las naciones extranjeras, para mas aclarar los hechos relativos á la goleta Jefferson, ha mandado instruir una averiguacion sumaria, que poniendo en claro la conducta del Sor. Gomez, se le aplique el castigo que merezca, si resulta culpado, lo mismo que á todos los que hayan tenido intervencion en ese asunto.

Esta providencia del Gobierno del infrascrito es la mejor garantia del deseo que le anima de consolidar sus relaciones con los Estados Unidos de America; y no duda que servira de la mas amplia satisfaccion por el suceso desagradable de que se trata; asegurando, como asegura al Sr. P. Ellis, que muy lejos de que el comandante militar de Tampico obrase segun ordenes ó instrucciones superiores, sus procedimientos han merecido la desaprobacion de S. E. el Presidente, pues que debio cenirse á no consentir la entrada á aquel puerto de todo buque de guerra de cualquiera nacion, pero consiliando este paso de manera que ni remotamente su pudiese entender como un ultraje al pabellon que portasen.

Por todo lo espuesto, el infrascrito se li-songea que el honorable P. Ellis no tendrá ya embaraso en dar sus ordenes para el retiro de la escuadrilla Americana que se halla al frente de Tampico, segun de le indicó el que

suscribe en su nota de 14 del actual; y al contestarla de su señoría arriba citada, devolviéndole los documentos que cubria, tiene la satisfaccion de reproducirle las protestas de su muy distinguida consideracion y aprecio.

JOSE MARIA ORTIZ MONASTERIO.

Al honorable Sr. POWHATAN ELLIS,  
*Encargado de Negocios de los Estados Unidos de America.*

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No. 25.

*Mr. Monasterio to Mr. Ellis.*

[TRANSLATION.]

PALACE OF THE NATIONAL GOVERNMENT,

MEXICO, *June 21, 1836.*

The undersigned, chief clerk in the department of relations, charged with its despatch, has had the honor to receive the note of the honorable Powhatan Ellis, dated the 16th instant, relative to the dispute which has arisen between the military commandant of Tampico and the consul of the United States for that city, in relation to the entrance of the American cutter Jefferson. His excellency the President *ad interim*, to whom the undersigned has given an account of the said note and the documents which it enclosed, is of opinion that the interpretation which the commandant alluded to gave to certain expressions of the said consul, caused him to reply in such a manner that he departed from the frank and amicable relations of both countries, until the case became so aggravated that an insult was believed to have been committed on the flag of the United States of America. Doubtless, such was not the intention of that officer, who knows well the duties appertaining to his employment, and the responsibility which he would incur if he should wilfully omit to protect the just claims to consideration of every Power friendly to the Mexican; but, notwithstanding this, the Supreme Government which has supplanted General Don Gregorio Gomez, in the military commandancy of Santa Anna de Tamaulipas, by substituting in his stead a chief whom it flatters itself will know how to preserve greater harmony with the agents and subjects of foreign nations, in order to render more clear the acts relative to the cutter Jefferson, has ordered a summary investigation to be instituted, which, by putting in its true light the conduct of Mr. Gomez, will apply to him the punishment he deserves, if he should prove culpable, as well as to all others who may have taken any part in the affair treated upon.

This provision of the Government of the undersigned is the best guaranty of the desire which animates it to strengthen its relations with the United States of America; and it does not doubt that it will prove the most ample satisfaction for the disagreeable occurrence under consideration; assuring Mr. P. Ellis, as it does assure him, that so far from the military commandant of Tampico pursuing orders or superior instructions, his proceedings have merited the disapprobation of his excellency the

President, insomuch, as he ought on no account to have permitted the entrance into that port of any vessel of war, of whatever nation; yet he should so have conciliated this step that it could not, in the most remote degree, be understood as an insult offered to the flag that might be carried.

In consideration of all this, the undersigned flatters himself that the honorable Powhatan Ellis will have no hesitation now in giving his orders for the withdrawal of the squadron at present before Tampico, agreeably to what was indicated in his note of the 14th instant; and replying to the note of his excellency above cited, returning the documents which it enclosed, he has the satisfaction to renew to him the assurance of his very distinguished consideration and esteem.

JOSE MARIA ORTIZ MONASTERIO.

To the honorable POWHATAN ELLIS,  
*Chargé d'Affaires of the United States of America.*

No. 26.

*Mr. Ellis to Mr. Monasterio.*

LEGATION OF THE UNITED STATES OF AMERICA,  
MEXICO, June 25, 1836.

The undersigned, chargé d'affaires of the United States of America, has had the honor to receive the note of his excellency, the acting minister of foreign affairs, under date of the 21st instant.

In consideration of the frank disavowal of the acts of the military commandant of Tampico, made by Mr. Monasterio, in behalf of the Supreme Mexican Government, and the assurance given that that officer has already been removed from office, and the determination expressed to institute a court of inquiry, with a view to the summary investigation of his conduct, and to his punishment, should he prove guilty; as well as that of all others who may have aided or abetted in the outrage on the American flag, and the insult to the American consul before complained of, the undersigned is willing to acknowledge the sufficiency of this explanation, and, on the faith of a due execution of the promise above quoted, to order a cessation of operations by the American squadron now before Tampico, so far as a reclamation for the said outrage and insult is demanded.

The undersigned begs Mr. Monasterio to believe in his renewed assurances of consideration and respect.

POWHATAN ELLIS.

To his Excellency

THE ACTING MINISTER OF FOREIGN AFFAIRS.

No. 27.

*Mr. Ellis to Mr. Robertson.*

LEGATION OF THE UNITED STATES OF AMERICA,  
MEXICO, June 29, 1836.

Sir: The unpleasant disagreement that occurred at Tampico, early in May last, between the Mexican authorities and the American consul of

that port, has been amicably adjusted. This Government has made an apology to that of the United States, for the insult offered to its flag in the seizure and imprisonment of Lieutenant Osborn and boat's crew, when they landed at Tampico; and for the rude and insolent language used by the commandant general to the American consul, in his correspondence with that officer on the subject of the right of the United States schooner Jefferson to enter the port of Santa Anna de Tamaulipas. After one or two interviews, the correspondence herewith enclosed took place between the acting Secretary of State and myself; and I beg you will have the kindness to furnish a copy of it to the commander of the United States squadron off the bar of Tampico; and he will be pleased to conform to the tenor of my note of the 25th instant, addressed to his excellency Jose Maria Ortiz Monasterio, the acting minister of Foreign Affairs, unless he has positive orders to the contrary. The punishment of General Gregorio Gomez, the author of all this mischief, for his violent and indefensible acts, was insisted upon as a just preliminary to the final arrangement of this case.

I have the honor to be, sir,

With great respect, your obedient servant,

POWHATAN ELLIS.

TO GEORGE R. ROBERTSON, Esq.,  
*United States Consul, Tampico.*

No. 28.

*Mr. Ellis to Mr. Forsyth.*

LEGATION OF THE UNITED STATES OF AMERICA,

*Mexico, July 16, 1836.*

SIR: I have the honor to enclose, herewith, a copy of the correspondence between Mr. Butler and the Mexican Secretary of Foreign Relations, in regard to the outrage offered to William A. Slacum, Esq., as bearer of despatches from the United States Government to this legation. My predecessor viewed the note of Mr. Monasterio, addressed to him under date of the 16th of March, 1836, as an ample apology for this palpable infraction of the law of nations; and I shall so consider it, unless I receive your instructions to the contrary.

I have the honor to be,

Your obedient servant,

POWHATAN ELLIS.

HON. JOHN FORSYTH,  
*Secretary of State, Washington city.*

No. 29.

*Mr. Butler to Mr. Monasterio.*

LEGATION OF THE UNITED STATES OF AMERICA,

*Mexico, March 8, 1836.*

The undersigned, chargé d'affaires of the United States of America, has the honor of enclosing to Mr. Monasteria a communication just re-

received from Mr. William A. Slacum, an officer in our navy, and the bearer of despatches from the Government of the United States to this legation, in which he details the outrage and indignity offered to him by certain subordinate officers of the Mexican Government; outrages perpetrated not only against himself personally, but an indignity offered to the Government of the United States.

The facts in this case are so clearly and amply narrated by Mr. Slacum, in his communication to the undersigned, that the Mexican Government cannot fail to perceive the extent of the offence committed, nor can they be at a loss to determine as to the reparation due not only to Mr. Slacum personally, but to the Government of the United States, for the indignity offered to it in the person of its officers and agents.

It cannot be necessary to cite authorities from the different treatises on national law, in order to show the respect due to the character and to the service of all persons employed as bearer of despatches from a Government to its diplomatic agents, as it is presumed that the subject is familiar to Mr. Monasterio; the undersigned will, however, quote one paragraph from Vattel, the modern text-book on national law, to show the inviolability enjoyed by all persons employed by a Government as messengers with its official communications to its ministers abroad. Vattel says that "couriers sent or received by a minister, his papers, letters, and despatches, all essentially belong to the embassy, and are consequently to be held sacred; and this principle has received the universal assent of the civilized world. Hence, on all subjects to which the rule will apply, the authority is paramount and supreme. It can be no answer, then, to say that some municipal regulation exists which conflicts with the privileges granted by the universal rule of national law, and that the right of sending despatches has been, or may be, restrained or modified by a municipal regulation; because, in such event, the superior power would be ruled and influenced by the subordinate—presenting a political anomaly without a parallel."

The passport received by Mr. Slacum, from the Government of the United States of America, is herewith enclosed, and shows clearly as well the character of his mission as the objects of his journey to Mexico; and is in the usual form of such documents recognised and respected by the whole civilized world, and procuring for the bearer universally the respect, protection, and hospitality due to his character and the sacredness of the charge confided to him.

The undersigned renews to Mr. Monasterio, &c.,

**ANTHONY BUTLER.**

To his Excellency

JOSE MARIA ORTIZ MONASTERIO, &c.

No. 30.

*Mr. Monasterio to Mr. Butler.*

PALACIO DEL GOBIERNO GENERAL,

Mexico, 16 de Mayo de 1836.

Impuesto el Excelentísimo Señor Presidente interino de la nota del Señor Don Antonio Butler de 8 del corriente, y documentos que la acom-

pañan, relativo todo á la conducta arbitraria que observaron algunos empleados de la administracion general de correos con el Señor William A. Slacum, portador de pliegos del Gobierno de los Estados Unidos de America para la legacion que reside en esta capital, ha ordenado al infrascrito oficial mayor lo, encargado del despacho de la Secretaría de Relaciones, manifestar al Señor encargado de negocios de dichos Estados el desagrado con que S. E. ha visto los procedimientos de los empleados referidos y que deseoso de evitar la repeticion de sucesos de esta naturaleza, y de satisfacer debidamente á los ultrajes inferidos al Señor Slacum, ha dispuesto se haya entender á los mismos empleados la desaprovacion de su conducta, y lo que deberan observar en casos de igual naturaleza; previniendo ademas se devuelva al Señor Butler la cantidad exigida como multa al conductor de los pliegos.

El infrascrito, al cumplir con esta suprema disposicion, renueva al Señor Don Antonio Butler las seguridades de su muy distinguida consideracion y aprecio.

JOSE MARIA ORTIZ MONASTERIO.

Sr. DON ANTONIO BUTLER,

*Encargado de Negocios de los Estados Unidos de America..*

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No. 31.

*Mr. Monasterio to Mr. Butler.*

[TRANSLATION.]

PALACE OF THE GENERAL GOVERNMENT,

MEXICO, March 16, 1886.

His excellency the President *ad interim*, being charged with the note of Mr. Anthony Butler, of the 8th instant, and the documents which accompanied it, all relative to the arbitrary conduct pursued by some employes in the administration general of the post office towards Mr. William A. Slacum, bearer of despatches from the Government of the United States of America for the legation resident in this capital, has ordered the undersigned, chief clerk, charged with the despatch of the Department of Relations, to manifest to the chargé d'affaires of the said States the displeasure with which his excellency has seen the proceedings of the employes referred to; and that, desirous to shun a repetition of events of a like nature, and to make due satisfaction for the outrageous interference with Mr. Slacum, he has directed that these employes should be made to understand his disapprobation of their conduct, and how they should act in similar cases; taking care, beforehand, that they shall return to Mr. Butler the amount levied as a fine upon the bearer of despatches.

The undersigned, in complying with this supreme disposition, renews to Mr. Anthony Butler the assurances of his very distinguished consideration and esteem.

JOSE MARIA ORTIZ MONASTERIO.

TO MR. ANTHONY BUTLER,

*Chargé d'Affaires of the United States of America.*

No. 32.

*Mr. Forsyth to Mr. Ellis.*

DEPARTMENT OF STATE,

WASHINGTON, July 20, 1836.

SIR : The enclosed copies of letters to this department from Mr. Coleman, the acting consul of the United States at Tabasco, will inform you of the outrageous conduct of the authorities there with regard to the officers, crew, and cargo of the schooner Northampton, wrecked on the Mexican coast in that quarter, and in relation to the acting consul himself.

The accumulation of causes for complaint on the part of our citizens against the Mexican Government, the frequency of their occurrence of late, and, so far as appears from the correspondence of your predecessors, the indisposition of that Government to inquire into them, to grant satisfaction for them, or to take proper steps to prevent their recurrence, have by no means tended to strengthen the spirit of forbearance with which the President has hitherto acted towards Mexico ; entertaining, as he does, a sincere sympathy for her domestic troubles, and a hearty desire to preserve and cultivate the relations of peace, friendship, and good neighborhood with her Government and people. He is satisfied, however, that further delay in the acknowledgement, if not in the redress, of the injuries complained of, cannot be acquiesced in, compatibly with the dignity, rights, and interests of the United States. He therefore directs, that in presenting to the notice of that Government the case of the Northampton, you will make a fresh appeal to its sense of honor and justice in relation to our claims generally ; and, to show that the President's estimate of the grievances suffered by our citizens resorting to Mexico, especially since the conclusion of the treaty, is not exaggerated, your note will refer to the following cases, in which the interposition of this Government has been asked for since the 5th of April, 1832, and all of which either you or your predecessor has heretofore been instructed to bring to the notice of the Mexican Government.

On the 31st of December, 1831, an alcalde of Menotillan, in the colony of Guazcualco, instituted what is said to have been an illegal, arbitrary, and oppressive proceeding against Dr. Baldwin, a citizen of the United States, under color of a suit at law, preferred and carried on by a creature of the alcalde himself. Baldwin appeared before the alcalde to answer the charge ; an altercation ensued ; and the alcalde ordered him to the stocks, which Baldwin refusing to submit to, attempted to escape, and was pursued by a party of soldiers, who attended the court. In the race Baldwin fell, received an injury in one of his legs, was captured, carried back into the presence of the alcalde, placed in the stocks, and afterwards imprisoned.

In February, 1832, the schooner Topaz, of Bangor, Maine, was employed by the Mexican Government to carry troops from Matamoras to Galveston bay. The master and mate were murdered by the soldiers on the passage, the crew imprisoned, and the vessel seized and converted to the Mexican service.

On the 21st June, 1832, the American schooner Brazoria was seized

in the port of Brazoria, by John Austin, the Mexican military commandant in that quarter, and employed to make an attack upon Anahuac, then in possession of insurgents. During the attack she was injured so as to be made unseaworthy, and was abandoned as a total loss, for which the unwriters have received no compensation.

In the summer of 1832, the steamboat *Hidalgo*, and schooner *Conso-lation*, belonging to Aaron Leggett, of New York, were forcibly taken possession of by Mexican officers at Tabasco, and used by them. The brig *John*, belonging to Leggett, was also detained, and money was extorted from him. The consequences resulting from these acts are represented to have been ruinous to the sufferer, and the Mexican Government is clearly bound by the treaty to indemnify him for them.

In March, 1834, Captain McKeige, of the schooner *Industry*, of Mobile, was imprisoned at Tabasco, and an exorbitant fine demanded of him without cause. The payment of the fine being made the only condition upon which he could be allowed to depart, he abandoned his vessel and her cargo to the authorities, who afterwards sold them.

In the summer of 1834, the brig *Paragon*, of New York, was causelessly fired into on her way to Vera Cruz by the Mexican public armed schooner *Tampico*. In answer to an official representation on the subject by Mr. Butler, that Government promised that the affair should be inquired into; but this department is not informed that the promise has been fulfilled.

In the beginning of May, last year, the answer of officers supposed to belong to the custom-house, who boarded the *Ophir*, of New York, on her arrival at Campeachy, to an inquiry of the captain as to which of the ship's papers it would be necessary to present at the custom-house, was accidentally, or intentionally, misinterpreted. In consequence of this, notwithstanding all the papers were shown to the boarding officers, the invoices only being exhibited at the custom-house, the vessel was seized and condemned.

In May, 1835, also, the schooner *Martha*, from New Orleans, was seized at Galveston bay by the Mexican armed schooner *Montezuma* for an alleged non-compliance with some of the formalities of their revenue laws. Four of the passengers of the *Martha* were put in irons under the hatches of the *Montezuma*, and otherwise treated with great barbarity, merely for an imputed intention to use their fire-arms against a guard that had been placed on board the *Martha*.

In November, 1835, the schooner *Hannah* and *Elizabeth*, of New Orleans, was stranded in attempting to enter Matagorda bay. While in this condition, she was fired into by the Mexican armed schooner *Bravo*, boarded by twenty armed soldiers under the command of two officers, who forcibly took the master, crew, and passengers from the wreck, pilaged them of most of their clothes, and chained them in the hold of the *Bravo* until their arrival at Matamoras, where they were continued in confinement; but through the urgent representations of our consul there, all but the captain were eventually released. It is not known to the department that he has yet been liberated, or that any satisfaction has been offered by the Mexican Government.

On the 17th of February last, William Hallett and Zalmon Hull, citizens of the United States, were arrested in the streets of Matamoras by a party of armed soldiers, who struck Hull in the face with a sword, and



forcibly took both to the principal barrack in that city, where they were confined upon suspicion of being about to proceed to Texas. Shortly afterwards, sentinels were placed at the doors of the consul's residence, under false pretences, and all communication with the house prohibited. Armed soldiers broke open his gate during his absence, forcibly took a mare and two mules belonging to him, entered his house with drawn swords, and searched every room in it, for the avowed object of finding the consul. Hallett and Hull have been released, but the department is not aware that any reparation has been made for the proceedings against them, or for the insult to the consul.

In February last, an attempt was made at the city of Mexico to take from Mr. W. A. Slacum, protected by a courier's passport from this department, public despatches of this Government, addressed to Mr. Butler. The attempt failed, but Mr. Slacum was fined and detained for carrying official letters on his person, authenticated by the endorsement of this department, and directed to the *chargé d'affaires* of the United States in Mexico.

In March last, the schooner *Eclipse* was detained at Tabasco, and her master and crew maltreated by the authorities.

In April last, the brig *Jane*, schooner *Compeer*, and other merchant vessels of the United States, were forcibly detained at Matamoras.

You will also notify the Mexican Government that it is expected any damage which may have been sustained by citizens of the United States, in consequence of the recent embargo at Vera Cruz, Tampico, and other Mexican ports on the gulf, will be repaired, pursuant to the stipulation in the treaty. The papers now sent, show that the military commandant of Tampico has made the embargo a pretext for interrupting or obstructing the correspondence between the commander of the United States revenue cutter *Jefferson* and our consul there. For these acts, proper satisfaction will likewise be expected. The outrages and indignities committed against consuls and other officers of the United States, though not more unjust nor attended with circumstances of greater hardships than those done to individual citizens, are nevertheless to be considered as greater violations of the rights of the United States, and to be represented accordingly.

Though the department is not in possession of proof of all the circumstances of the wrongs done in the above cases, as represented by the aggrieved parties, yet the complaints are such as to entitle them to be listened to, and to justify a demand on the Mexican Government that they shall be promptly and properly examined, and that suitable redress shall be afforded. You will, therefore, immediately address a strong but respectful representation to the Mexican Government on the subject of these various injuries. You will also remind it of the numerous other complaints which have been made from time to time, and which still remain unredressed. You will likewise set forth the great forbearance which the Government of the United States has practised towards Mexico, and the friendly and benevolent motives which have led to it; and you will state that the President, finding that this moderation and forbearance, so far from being appreciated by Mexico, seem only to be met by new injuries, is constrained, by a high sense of duty, to ask of the Mexican Government such reparation as these accumulated wrongs may, on examination, be found to require.

If, contrary to the President's hopes, no satisfactory answer shall be given to this just and reasonable demand within three weeks, you will inform the Mexican Government that, unless redress is afforded without unnecessary delay, your further residence in Mexico will be useless. If this state of things continue longer, you will give formal notice to the Mexican Government, that unless a satisfactory answer shall be given within a fortnight, you are instructed to ask for your passports; and, at the end of that time, if you do not receive such answer, it is the President's direction that you demand your passports and return to the United States, bringing with you the archives of the legation.

Mr. William A. Weaver, who is sent as a special messenger with this communication, you will detain until you can frame a full report to the Department, as to the state of the business of your mission, as well that under the charge of Mr. Butler as that intrusted to you. You will also send by the messenger, on his return, (if they can be prepared within a reasonable time,) copies of Mr. Butler's despatches Nos. 14, 23, 52, 53, 54, 58, and 84, the originals of which were never received; and of all his correspondence with the Mexican Government and with others, on public business, so far as the records and files in the legation will allow you to do. Mr. Butler was repeatedly instructed to supply these papers, but the instructions have not been complied with. The expense of the transcripts required will be made a separate charge in your accounts, and will be accompanied by proper vouchers. During Mr. Weaver's necessary detention, you will avail yourself of his assistance in making the copies. He has received five hundred dollars on account of his expenses to Mexico. You will furnish him with a like sum to defray his expenses on his return to Washington, for which your draft on the Department will be honored.

I have the honor to be, sir,

Your obedient servant,

JOHN FORSYTH.

POWHATAN ELLIS, Esq.,

*Chargé d'Affaires of the United States, Mexico.*

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No. 33.

*Mr. Coleman to Mr. Forsyth.*

CONSULATE OF THE UNITED STATES OF AMERICA AT TABASCO,  
*San Juan Batista, May 18, 1836.*

SIR: It becomes my duty, as vice consul, to make known to the Department the loss of the schooner Northampton, burden 68 $\frac{3}{4}$  tons, belonging to New York, William M. McKeige, master. She was stranded about five leagues west of the Tabasco river, with a full assorted cargo on board for this market, the major part of which was safely landed by the officers and crew of said vessel. The loss to those interested would have been but trifling, had not the custom-house officers and military taken forcible possession of every article saved, as soon as they arrived at

the wreck. The officers and crew of the schooner remonstrated against their violent and illegal proceedings, and they were immediately assaulted, and the mate was severely wounded by one of the custom-house officers; the goods were then abandoned to the said officers and soldiers, and they at once commenced plundering and secreting the most valuable articles. The officers and crew of the schooner proceeded to this city, and made a formal abandonment of the whole into my hands; and, at the same time, handed me a list of the goods actually saved from the wreck, as well as the manifest of the entire cargo. I took the necessary steps for the interest of those concerned. On taking possession, from the custom-house officers and soldiers, of the goods, I found that more than one-half of the goods that were saved from the wreck, and left in the keeping of the custom-house officers and soldiers, had been disposed of by them, and no account given of the same. I represented the circumstance to the proper authorities, but could get no redress whatever; they wink at every outrage or depredation committed on American property by their under officers.

Since the commencement of the war in Texas, we have daily to submit to insult and injustice, not only from private citizens, but from the highest authorities; and there is no prospect of any change, except it be for worse treatment.

I have the honor to be, sir,

Your most obedient servant,

W. E. COLEMAN.

Hon. JOHN FORSYTH,  
*Secretary of State, Washington.*

#### No. 34.

*Extract of a letter from W. E. Coleman, Esq., acting consul of the United States at Tabasco, Mexico, to the Secretary of State, dated June 6, 1836.*

"About two weeks since, I was summoned before an alcalde of this city, and publicly insulted and ill-treated, and narrowly escaped imprisonment, because I refused to legalize documents to effect insurance at New Orleans that were, in my opinion, drawn up to defraud the underwriters; they made many threats, and said they would do every thing that lay in their power to injure me the first opportunity.

"A short time previous to the above, an American sea captain was unjustly punished and fined by the city authorities. There was a move by one of the council to remit the fine; but the question was asked by another, to what country the captain belonged; and, on learning that he was a North American, they replied, 'that will do; we will not let pass an opportunity to punish these people.'

"I could fill a volume with facts of the tenor of the foregoing; but conceive the above representations sufficient to satisfy you of the state of things, and of the government of this republic. These acts of oppression are not committed by, nor at the instance of, the common people; but by the higher orders, and those in authority."

No. 35.

*Mr. Ellis to Mr. Forsyth.*

LEGATION OF THE UNITED STATES OF AMERICA,  
*Mexico, October 11, 1836.*

SIR: I herewith transmit to you a copy of my note of the 26th ultimo, addressed to his excellency the acting minister of foreign affairs, in compliance with your instructions of the 20th July last, and his answer of the 3d instant.

In the discharge of this delicate and highly responsible duty, I have been influenced by an anxious desire to pursue the tenor and spirit of your instructions. I have carefully abstained from saying any thing that could be viewed as improper, under all the circumstances of the case; and I sincerely hope a returning sense of justice on the part of this Government will induce it to listen favorably to the communication thus presented for its serious deliberation.

The policy of this nation has been so uniform, since the recognition of her independence, in pursuing a long series of injuries, wantonly and illegally inflicted upon the commerce of every people coming within her reach, and without granting to the injured parties any satisfaction whatever, that it would seem to preclude all hope of a satisfactory adjustment of our claims. But, be assured, every possible exertion, consistent with the honor and interest of our country, shall be used to meet the views of the President of the United States on this subject. I shall endeavor, likewise, to impress upon the mind of his excellency the President *ad interim* of this republic, the propriety and justice of abandoning the policy heretofore practised towards citizens of the United States trading with Mexico, and the great advantages likely to result to both countries by affecting such a change. If, however, I should fail to attain this desirable object, (as will probably be the case,) your instructions relative to that event shall be promptly obeyed.

Duplicates of my despatches Nos. 19 and 20 are enclosed.

I have the honor to be,

With great respect and regard,

Your obedient servant,

POWHATAN ELLIS.

To the Hon. JOHN FORSYTH,  
*Secretary of State, Washington City.*

No. 36.

*Mr. Ellis to Mr. Monasterio.*

LEGATION OF THE UNITED STATES OF AMERICA,  
*Mexico, September 26, 1836.*

The undersigned, chargé d'affaires of the United States of America, has the honor to represent to his excellency the acting Minister of

Foreign Affairs, that the schooner Northampton, burden nearly seventy tons, of and from New York, William M. McKeige, master, stranded in the early part of the present year five leagues west of the Tabasco river, with a full and assorted cargo on board, the greater part of which was safely landed by the officers and crew of said vessel. The loss to those interested resulting from this accident would have been inconsiderable, had not the custom-house officers and military taken forcible possession of every article saved, as soon as they arrived at the wreck. Against so violent and illegal a proceeding, the officers and crew of the Northampton protested; whereupon they were immediately assaulted, and the mate severely wounded by one of the custom-house officers. After this occurrence, the goods were abandoned to the officers and soldiers afore-said, who at once commenced plundering and secreting the most valuable articles belonging thereto. The officers and crew of the schooner then proceeded to the city of Tabasco, made a formal abandonment of the whole into the hands of the United States consul at that place, and furnished him with a list of the goods actually saved from the wreck, as well as a manifest of the entire cargo. On the consul's taking charge of the goods which had been left in possession of the custom-house officers and soldiers, not one-half of those saved from the wreck were delivered to him, nor was any account given of the balance. These circumstances were represented to the proper authorities in Tabasco, but they have, up to this moment, refused or neglected to give any explanation or redress to the injured parties.

Such illegal, violent, and arbitrary acts on the part of the officers of the Supreme Mexican Government, affecting so seriously the persons and property of those entitled to its protection, furnish a just cause of complaint; and the frequency of their recurrence of late, the indisposition of this Government to inquire into them, to grant satisfaction for them, or to take proper steps to prevent their recurrence, can by no means tend to strengthen that spirit of forbearance with which the President of the United States has hitherto acted towards Mexico; entertaining, as he does, a sincere sympathy for her domestic troubles, and an anxious desire to cultivate the relations of peace, friendship, and good neighborhood with her Government and people.

To satisfy your excellency that the above statement is based upon facts, the undersigned will refer to the following cases, a majority of which have heretofore been brought to the notice of this Government, and all of which have occurred since the conclusion of the treaty of amity, commerce, and navigation between the two countries.

On the 31st of December, 1831, an alcalde of Menotillan, on the Guazacualco river, instituted what is said to have been an illegal, arbitrary, and oppressive proceeding against Doctor John Baldwin, a citizen of the United States, under color of a suit at law preferred and carried on against him by a creature of the alcalde himself. Baldwin appeared before the alcalde to answer the charge: an altercation ensued, and the alcalde ordered him to the stocks; which Baldwin refusing to submit to he attempted to escape, and was pursued by a party of armed soldiers who attended the court. In the race, Baldwin fell, received an injury in one of his legs, was captured, carried back into the presence of the court, placed in the stocks, and afterwards imprisoned.

In February, 1832, the schooner *Topaz*, of Bangor, Maine, was employed by the Mexican Government to carry troops from Matamoras to Galveston bay. The master and mate were murdered by the soldiers on the passage, the crew imprisoned, and the vessel seized and converted to the Mexican service.

On the 21st June, 1832, the American schooner *Brazoria* was seized in the port of Brazoria, by John Austin, the Mexican military commandant in that quarter, and employed to make an attack upon Anahuac, then in the possession of insurgents. During the attack, she was so injured as to be rendered unseaworthy, and was subsequently abandoned as a total loss; for which the underwriters have received no compensation.

In the summer of 1832, the steamboat *Hidalgo*, and schooner *Consolation*, belonging to Mr. Leggett, were forcibly taken possession of by Mexican officers in Tabasco, and used by them for their own purposes. The brig *John*, belonging to the same gentleman, was also detained, and money extorted from him. The consequences resulting from these acts are represented to have been ruinous to the sufferer; and the Mexican Government is clearly bound, under the treaty, to indemnify him for them.

In March, 1834, Captain McKeige, of the schooner *Industry*, of Mobile, was imprisoned at Tabasco, and an exorbitant fine demanded of him without cause. The payment of this fine being made the only condition on which he could be allowed to depart, he abandoned his vessel and cargo to the authorities, who afterwards sold them.

In the summer of 1834, the brig *Paragon*, of New York, was causelessly fired into, on her way to Vera Cruz, by the Mexican armed schooner *Tampico*. In reply to an official representation on the subject by Mr. Butler, this Government promised that the affair should be inquired into; but there is no evidence that this promise has been complied with.

In the beginning of May, last year, the answer of an officer, supposed to belong to the custom-house, who boarded the brig *Ophir*, of New York, on her arrival at Campeachy, to an inquiry of the captain as to which of the ship's papers it would be necessary to present at the custom-house, was accidentally, or intentionally, misinterpreted. In consequence of this, notwithstanding all the papers were shown to the boarding officers, the invoices only being exhibited at the custom-house, the vessel was seized and condemned.

In May, 1835, also, the schooner *Martha*, from New Orleans, was seized at Galveston bay by the Mexican armed schooner *Montezuma*, for an alleged non-compliance with certain formalities of their revenue laws. Four of the passengers of the *Martha* were put in irons under the hatches of the *Montezuma*, and otherwise treated with great barbarity, because of an imputed intention to use their fire-arms against a guard that had been placed over them on board the *Martha*.

In November, 1835, the schooner *Hannah Elizabeth*, of New Orleans, was stranded on the bar in attempting to enter Matagorda bay. While in this condition, she was fired into by the Mexican armed schooner *Bravo*, boarded by twenty armed soldiers, under the command of two officers, who forcibly took the master, crew, and passengers from the wreck, pillaged them of most of their clothes, and chained them in the hold of the

Bravo until their arrival at Matagorda, where they were continued in confinement. Through the urgent representations of the consul of the United States at that place, however, all but the captain were ultimately released; and although a respectful note was addressed to your excellency in relation to this transaction, under date of the 30th of May last, the undersigned has not been able to ascertain whether that unfortunate individual (the captain of the *Hannah Elizabeth*) still remains confined in the dungeons of the Bravo de Santiago, or whether any satisfaction has been offered for an outrage so daring.

On the 17th of February last, William Hallett and Zalmon Hull, citizens of the United States, were arrested in the streets of Matamoras by a party of armed soldiers, who struck Hull in the face with a sword, and forcibly took both to the principal barrack in that city, where they were confined upon suspicion of being about to proceed to Texas. Sentinels were placed at the doors of the consul's residence subsequent to the arrest of Hallett and Hull, under false pretences, and all communication therewith prohibited. Armed soldiers broke open his gate during his absence, forcibly took a mare and two mules belonging to him, entered his house with drawn swords, and searched every room in it, with the avowed object of finding the consul himself. Hallett and Hull have been released; but to the note addressed to your excellency on the 9th instant, on this subject, no satisfactory answer has been received.

The schooner *Eclipse*, Abner Lane, master, of Mobile, arrived off Tabasco in March last, with a cargo of lumber; and, on being boarded by an officer of the customs below the city, the captain delivered his papers, agreeably to the laws of Mexico; he was then ordered on shore, and there detained until the ensuing morning. At that time the officer alluded to made search of the vessel for contraband goods, and then sealed the hatches, forecastle, and bulkheads; which being done, a guard was left on board, and the vessel despatched up the river. On her passage up, she was visited by four or five boats that reported themselves as belonging to the custom-house; but they had no ensign or other mark to distinguish them as such. Each of these boats overhauled every thing on board not under the custom-house seal, and forcibly took the ships provisions for their own use, leaving the crew on short allowance. After the arrival of the vessel at the city of Tabasco, additional guards were placed on board. The captain was then given to understand he might land his cargo; but on the following day the guard was again increased in number, and he was not permitted to discharge his vessel with her own crew—laborers having been sent from the shore to perform that duty, contrary to the captain's expressed wish. After the vessel was discharged, another unsuccessful search for contraband goods was instituted, in the prosecution of which the cabin and furniture were much broken and otherwise injured; notwithstanding all which, an exorbitant bill of expenses was presented to Captain Lane for discharging the vessel as aforesaid, and, upon his refusing to pay the same, and making a formal abandonment of the vessel, she was seized and he imprisoned. At the last advices received, the one still remained in close confinement, and the other fast moored in the river.

In April last, the brig *Jane*, the schooner *Compeer*, and other vessels of the United States, were forcibly detained for a length of time at Matamoras.

And in May last, the consul of the United States at Tabasco was summoned before an alcade of that city, and required by that functionary to authenticate public documents under the consular seal of his office. Upon his refusal to comply with this extraordinary demand, he was ill-treated, and threatened with imprisonment; the alcade thereby constituting himself an arbiter to decide upon the propriety of the discharge of duties confided to an officer bearing the commission of a foreign Power, to whom alone he is responsible for the faithful discharge of all his public obligations.

The flag of the United States has been repeatedly insulted and fired upon by the public armed vessels of this Government; her consuls, in almost every port of the republic, have been maltreated and insulted by the public authorities; her citizens, while in the pursuit of a lawful and peaceful trade, have been murdered on the high seas by a licentious and unrestrained soldiery. Others have been arrested and scourged in the streets, by the military, like common malefactors; they have been seized and imprisoned under the most frivolous pretexts; their property has been condemned and confiscated, in violation of existing treaties and the acknowledged laws of nations, and large sums of money have been exacted from them, contrary to all law. These acts of outrage and oppression, with the numerous other complaints which have been made, from time to time, and which still remain unredressed, have painfully impressed upon the mind of the President of the United States that the great moderation and forbearance which he has, on all occasions, practised towards Mexico, and the friendly and benevolent motives which have led to it, have not been properly appreciated; and he now feels himself constrained, by a high sense of duty, to ask of the Mexican Government such reparation as these accumulated wrongs may, on inquiry, be found to require.

The undersigned is also instructed to make known to your excellency that it is expected that any damage which may have been sustained by citizens of the United States, in consequence of the recent embargo at Vera Cruz, Tampico, and other Mexican ports on the gulf, will be repaired, pursuant to the stipulations of the treaty.

The private claims, generally, of citizens of the United States, to a vast amount, arising out of flagrant violations of the laws of nations, have been made by my predecessors the subject of repeated and unavailing applications to this Government for adjustment. After these unexpected procrastinations in rendering justice to those who had been invited into the ports of the republic, under the most solemn guaranties of protection, it cannot be a matter of surprise that the United States should ask that their claims may be investigated, and acknowledged, if found to be correct. Every principle of international law, and of equity, requires that remuneration should be granted to the sufferers, who have been thus reduced to ruin and beggary by the unauthorized acts of men who have violated the laws and usages which regulate and control the commercial intercourse between all civilized nations. Such remuneration is due to that high sense of honor and justice which the undersigned confidently believes will ever animate the Mexican Government in maintaining those friendly relations which so happily exist between the two republics; and permit him to add, it is due to the honor, the interests, and the rights of his own country.

Many of the cases not enumerated, as well as those now particularly referred to, marked, as they are, by the strongest evidence of cruelty and



injustice, cannot be made a matter of controversy at this time. The established principles of public law, governing the rights of those interested, are too clearly defined to leave a doubt upon the questions involved in a settlement of the claims now respectfully submitted to the consideration of the Mexican Government.

The undersigned cannot conclude this note without expressing his assured confidence that the enlightened and liberal views, and known sense of justice, of his excellency the President *ad interim* of the Supreme Mexican Government, will impel him speedily to arrange, with entire satisfaction, these alleged causes of complaint against that Government.

The undersigned, therefore, in compliance with instructions from the President of the United States, demands that full reparation be made to all persons who have sustained injury in the several cases now set forth; that all private claims of citizens of the United States on this Government be promptly and properly examined, and suitable redress afforded; and that due satisfaction be given for the numerous insults offered to the officers and flag of the United States, as hereinbefore represented.

The undersigned improves the present opportunity to renew to Mr. Monasterio the assurance of his very distinguished consideration.

POWHATAN ELLIS.

To his Excellency JOSE MARIA ORTIZ MONASTERIO,  
*Acting Minister of Foreign Affairs.*

No. 37.

*Mr. Monasterio to Mr. Ellis.*

[CONFIDENCIAL.]

SECRETARIA DE RELACIONES,  
*Mejico, 3 de Octubre de 1836.*

El infrascrito tiene el honor de participar al Hl. Sr. Ellis, que recibió oportunamente su nota de 26 del actual, por el Supremo Gobierno Mejicana, los diversos reclamos y asuntos que menciona; mas como para verificarlo necesita el que suscribe tener á las vista los expedientes respectivos, algunos de los cuales son de pocas atrasadas, ha mandado se reunan en el Departamento del Exterior, para dar cuenta con todo á S. E. el Presidente interino; y del resultado dara aviso con toda oportunidad al Hl. Sr. Ellis, á quien entre tanto reproduce las seguridades de su muy distinguida consideracion.

JOSE MARIA ORTIZ MONASTERIO.

No. 38.

*Mr. Monasterio to Mr. Ellis.*

[TRANSLATION.]

[CONFIDENCIAL.]

DEPARTMENT OF RELATIONS,  
*Mexico, October 3, 1836.*

The undersigned has the honor to advise the Hon. Mr. Ellis that he has duly received his note of the 26th ultimo, in which he asks that the

Supreme Mexican Government should take into consideration the different subjects and reclamations therein mentioned ; but as, in order to do so, it is necessary for the undersigned to examine the various documents touching the cases, some of which are of old dates, he has given instructions that they should be collected in the Department of State, so that an account of the whole may be presented to his excellency the President *ad interim* ; the result of which will be communicated with all despatch to the Hon. Mr. Ellis : to whom, in the mean time, he renews the assurances of his very distinguished consideration.

JOSE MARIA ORTIZ MONASTERIO.

No. 39.

*Mr. Ellis to Mr. Forsyth.—Extract.*

LEGATION OF THE UNITED STATES OF AMERICA,  
Mexico, October 4, 1836.

SIR : I have the honor herewith to enclose to you the correspondence (marked A) between the acting minister of foreign affairs and myself, in relation to the outrage committed on the American consul and two citizens of the United States at Matamoras. From the direction Mr. Monasterio was pleased to give to my note on this subject, it was impossible to conjecture, from past experience, when a satisfactory answer would be received. I have, therefore, thought it proper to embrace this case in the enumerated causes of complaint presented to the Mexican Government on the 26th ultimo.

To the Hon. JOHN FORSYTH,  
Secretary of State, Washington City.

No. 40.

*Mr. Ellis to Mr. Monasterio.*

LEGATION OF THE UNITED STATES OF AMERICA,  
Mexico, September 9, 1836.

The undersigned, chargé d'affaires of the United States of America, has the honor to represent to your excellency, that, on the 17th of February last, William Hallett and Zalmon Hull, (the step-son of the consul of the United States at Matamoras,) citizens of the United States, were arrested in the street, near the habitation of the consul of said States, by a party of armed soldiers, who brutally struck Hull in the face with a sword, and forcibly took them to the principal barrack in the city of Matamoras, where they were confined as prisoners. A short time after this occurrence, sentinels were placed at the doors of the residence of the consul of the United States, and all communication therewith prohibited.

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Armed soldiers broke open his gate during his absence, and forcibly took out of the enclosure of his private property one mare and two mules; and afterwards entered the house with drawn swords, to the great terror of the females of his family, and searched every room in the building, with the avowed intention of finding the father of Mr. Hull.

From these facts, it is apparent the outrage committed has been attended with circumstances of injury and insult wholly inconsistent with those laws and regulations which govern the commercial intercourse between nations, and which have heretofore been the protection of consuls in all countries. Your excellency must be too well acquainted with these laws not to be aware of the irregularity of the proceedings of the local authorities at Matamoras, in the instance alluded to, and that they are in violation of the rights of a Government on terms of amity with the United Mexican States.

The undersigned will, however, remark, that when consuls resident in a foreign country are received without express conditions, they must be considered as standing on the footing established by the common consent of all nations. Custom and usage have ascertained and fixed their immunities, where it has not been done by conventional law; and any infraction of them is justly considered an indignity offered to the country whose commission the consul bears.

The undersigned, therefore, in compliance with instructions, demands reparation to the injured individuals hereinbefore mentioned, and due satisfaction for the insult offered to his Government in the perpetration of the arbitrary, and, he trusts, unauthorized acts of the commandant general of the department of Tamaulipas and New Leon.

The undersigned avails himself of this occasion to present to his excellency the acting Minister of Foreign Affairs, the assurance of his great respect and distinguished consideration.

POWHATAN ELLIS.

To his excellency JOSE MARIA ORTIZ MONASTERIO,  
*Acting Minister of Foreign Affairs.*

No. 41.

*Mr. Monasterio to Mr. Ellis.*

PALACIO DEL GOBIERNO NACIONAL,  
*Mejico, 13 de Setiembre de 1836.*

El que suscribe oficial mayor 1º, encargado del despacho de la Secretaria de Relaciones, tiene el honor de avisar al honorable Sr. Powhatan Ellis, que su nota de 9 del corriente, relativa á las tropelías cometidas en Matamoras con el consul de los Estados Unidos de America, y otros dos ciudadanos de los mismos Estados, por una partida de tropa, se traslada con esta fecha á la Secretario de Guerra, para las providencias que estime conveniente dictar en el particular.

El infrascrito ofrece comunicar al Sr. Ellis la resolucion que se tome

por la espresada Secretario de Geurra, y entre tanto aprovecha la ocasion para repetirle las seguridades de su muy distinguida consideracion.

JOSE MARIA ORTIZ MONASTERIO.

Al Hon. Sr. POWHATAN ELLIS,

*Encargado de Negocios de los Estados Unidos de America.*

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No. 42.

*Mr. Monasterio to Mr. Ellis.*

[TRANSLATION.]

PALACE OF THE NATIONAL GOVERNMENT,

*Mexico, September 19, 1836.*

The undersigned, acting Minister of Foreign Affairs, has the honor to advise the honorable Powhatan Ellis that his note of the 9th instant, relative to the outrages committed in Matamoros against the consul of the United States of America, and two other citizens of the same States, by a party of soldiers, has been this day transmitted to the Secretary of War, for such provisions as he may think fit to dictate in the case.

The undersigned engages to communicate to Mr. Ellis the resolution of the said Secretary of War, and in the mean time avails himself of the occasion to repeat to him the assurances of his very distinguished consideration.

JOSE MARIA ORTIZ MONASTERIO.

To the Hon. POWHATAN ELLIS,

*Chargé d'Affaires of the United States of America.*

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No. 43.

*Mr. Ellis to Mr. Forsyth.*

LEGATION OF THE UNITED STATES OF AMERICA,

*Mexico, October 5, 1836.*

SIR: The enclosed correspondence (marked C) in reference to the proceedings had before the mercantile tribunal at Vera Cruz, in the case of the schooner Peter D. Vroom, wrecked near that port on the 19th of July last, will inform you of the course I deemed it necessary to pursue, with a view to protect the rights and interests of citizens of the United States, and to resist a manifest infraction of the well-established principles of maritime law. What order the Supreme Mexican Government may take upon this matter, I am yet to learn; as my note under date of the 15th ultimo, representing this affair in its true light, has been transferred from the Foreign Office to the Minister of Grace and Justice; where, from the evasive policy of this Government, it may rest unnoticed

as long as that referred to the Minister of War and Marine in the case of the Hannah Elizabeth.

The papers (D) show that the court of admiralty at Campeachy has violated an imperative duty under the stipulations of the treaty subsisting between the two countries—to the injury of those interested in the case of the brig Aurora, wrecked on the coast of Sisal, and libelled in that court subsequent to her disaster. This Government complained of the conduct of the American consul in this case, and I immediately wrote to him for a full statement of the proceedings. His reply states that, on demand, the judge had refused to furnish him with a copy of the record; in consequence of which, the notes now enclosed passed between this legation and the acting Minister of Foreign Affairs.

I have the honor to be, sir,

With high respect,

Your obedient servant,

**POWHATAN ELLIS.**

To the Hon. JOHN FORSYTH,  
*Secretary of State, Washington city.*

No. 44.

*Mr. Ellis to Mr. Monasterio.*

LEGATION OF THE UNITED STATES OF AMERICA,

*Mexico, September 15, 1836.*

The undersigned, chargé d'affaires of the United States of America, has the honor to state, that the schooner Peter D. Vroom, E. F. Kelly, master, sailed from Philadelphia on the 12th of June, 1836, consigned to Crecencio Boves, Vera Cruz, and on the 19th of July next ensuing was wrecked on the coast forty miles above Vera Cruz. The captain, after taking every precaution to save the cargo of his vessel, came down to the place of his destination, and noted protest before the American consul, and appointed him agent to dispose of the cargo. This officer despatched vessels, and conveyed to Vera Cruz the whole of the said cargo saved from the wreck; and the same was tendered to the original consignee, who refused to accept it. Said consignee subsequently made a formal abandonment before the mercantile tribunal of Vera Cruz, who thereupon appointed him agent for the underwriters to dispose of the cargo for the benefit of those concerned. To the appointment of this, or any other agent, the American consul objected, and claimed the control of the business, after the rendition of the judgment of the court giving the order of sale. Crecencio Boves, however, renounced his agency for the sale of the cargo, and Manuel de Vega was appointed in his place, with the same powers and for the same object: who proceeded, on the 30th of July, under an order of the mercantile tribunal, to sell the cargo in question, without the consul of the United States having received any official notice thereof. Against this sale the said consul protested.

From an examination of the facts in this case, your excellency will per-

ceive that the mercantile tribunal of Vera Cruz exceeded its just authority, in withholding from the agent and consul of the United States that participation in the sale of the cargo of the Peter D. Vroom to which he was clearly entitled. It is a general duty imposed upon consuls of the United States, when vessels of the United States are stranded on the coasts of their consulates, to take proper measures for saving such vessels, their cargoes, and appurtenances, and, after deducting the charges and expenses accruing on the salvage, to deliver over the same to the owners. In the performance of this duty, in the case now under consideration, vessels were despatched to the assistance of the wreck, and that portion of the cargo not already destroyed was conveyed to Vera Cruz, and tendered, as before stated, to the consignee, Crecencio Boves; but he refused to receive it, and thereafter made a formal abandonment. In this state of the case, there being no owner or supercargo present, the master of the vessel, by a universally acknowledged principle of maritime law, became the agent for the owners and shippers, and had a right to take such steps as he might deem proper for the benefit of those interested. In the exercise of this right, conceded by the laws governing the commercial world, and guaranteed to him by the seventh article of the treaty of amity, commerce, and navigation, between the United States of America and the United Mexican States, the undersigned is at a loss to conceive how the court of admiralty in Vera Cruz could have overlooked the first pretensions of the agent of the master to control the sale, and receive the proceeds arising therefrom, under the order of the court. If there could be any doubt in regard to the propriety of the course contended for by the consul, the following decrees of the Supreme Mexican Government itself will conclusively demonstrate it to be correct. The first, under date of the 26th of August, 1831, provides that "if a ship, galley, or other vessel, be stranded or wrecked, we order that the vessel, and all things that may be found appertaining thereto, be delivered to the person or persons to whom they belonged prior to damage." The second, under date of the 4th of October, 1835, declares: "To fulfil better the spirit and letter of 'la ley recopilado' on shipwrecks, which was ordered to be observed in a circular of the 26th of August last, his excellency the President has decreed that the judicial authorities who may have or take cognizance of the case, must deliver, with all formality, and with corresponding security, to the consignee or consignees, who may appear, the effects brought by the wrecked vessel; and, in case none should appear, or they should make abandonment in writing and in legal form, (to which effect they, the authorities, will take care to cite them,) the consignees, if they should be found in the same or distant parts, using for that purpose all the means that may be in conformity with equity and justice, the judge will cause the effects to be deposited in accordance with consul or vice-consul of the nation to which the vessel belonged, if there be one; and in every case advice must be given to the Supreme Government, in order that this latter, if it be deemed convenient or necessary, may adopt such measures as exclusively belong to it. It is, however, understood, this is not to stay proceedings of sale and deposit of the product of the effects saved or damaged, and even of the vessel itself, if, after survey or information of witnesses, it should appear that they cannot be preserved without serious damage or risk of total loss." From the spirit and letter of

these decrees, the undersigned is fully persuaded it was the duty of the judicial tribunals in Vera Cruz to name the consul of the United States as agent to sell the cargo, and receive the proceeds, for the benefit of all concerned. It must be recollected that Mr. Boves, the consignee, formally abandoned; that there was no owner or supercargo present; and that, in contemplation of law, the master, E. F. Kelly, was agent for the owners and shippers, and had a right to appoint, as he did, an agent to act for him until the owners, shippers, and underwriters could be heard from. How, then, could the mercantile tribunal of Vera Cruz, having the decrees above quoted before them, deprive Mr. Burrough, as consul and agent, of his right to superintend the sale, and receive the proceeds thereof, under the direction of the proper authorities? He did not except to the jurisdiction of the court; nor could he, with propriety, say any thing against the highly intelligent and respectable gentleman, Don Manuel de Vega, named as agent by that tribunal; but he had a right to protest against the deposit of the proceeds arising from the sale in the hands of a person, contrary to the principles of maritime law, and the decrees of the Supreme Mexican Government.

The undersigned, in making these suggestions on the law arising out of the facts in this case, entertains the hope that his excellency José Maria Ortiz Monasterio will see the propriety of ordering the proceeds arising from the sale of the cargo of the schooner Peter D. Vroom to be paid over, with as little delay as possible, to the consul of the United States at Vera Cruz, the legal agent entitled to the same.

The undersigned has the honor to repeat to Mr. Monasterio the assurance of his very distinguished consideration.

POWHATAN ELLIS.

To his Excellency JOSE MARIA ORTIZ MONASTERIO,  
*Acting Minister of Foreign Affairs.*

No. 45.

*Mr. Monasterio to Mr. Ellis.*

PALACIO DEL GOBIERNO NACIONAL,  
*Mejico, 21 de Setiembre de 1836.*

La nota que el honorable Señor Powhatan Ellis dirigió al infrascripto, encargada del despacho de la Secretaria de Relaciones, con fecha 15 del actual, sobre lo ocurrido en la venta del cargamento de la goleta Americana "*Peter D. Vroom*," que naufragó á corta distancia del puerto de Vera Cruz, se transcribe hoy al Ministerio de Justicia, para que como asunto de sus atribuciones, acuerdo lo que convenga con S. E. el Presidente interino.

El resultado lo comunicará el que subscree al honorable Sr. Ellis, á quien reproduce con este motivo las seguridades de su muy distinguido consideracion.

JOSE MARIA ORTIZ MONASTERIO.

Al Hon. Sr. POWHATAN ELLIS,  
*Encargado de Negocios de los Estados Unidos de America.*

No. 46.

*Mr. Monasterio to Mr. Ellis.*

[TRANSLATION.]

PALACE OF THE NATIONAL GOVERNMENT,

*Mexico, September 21, 1836.*

The note of the honorable Powhatan Ellis, addressed to the undersigned, acting Minister of Foreign Affairs, under date of the 15th instant, upon the subject of the occurrences in relation to the sale of the cargo of the American schooner "Peter D. Vroom," which was wrecked on the coast some distance from the port of Vera Cruz, has been this day transferred to the Minister of Justice, as a subject coming within the province of his duties, agreeably to the instructions of his excellency the President *ad interim*.

The result of which the undersigned will communicate to the honorable Mr. Ellis, to whom he is now prompted to renew the assurances of his very distinguished consideration.

JOSE MARIA ORTIZ MONASTERIO.

To the Hon. POWHATAN ELLIS,

*Chargé d'Affaires of the United States of America.*

No. 47.

*Mr. Ellis to Mr. Monasterio.*

LEGATION OF THE UNITED STATES OF AMERICA,

*Mexico, September 20, 1836.*

The undersigned, chargé d'affaires of the United States of America, has the honor to inform your excellency that he has received an answer from the American consul at Campeachy, in reply to the note addressed to him in reference to the proceedings had in the admiralty court at that place, in the case of the brig Aurora, wrecked on the coast of Sisal. It appears, from his statement, that the judge of the district has, in direct contravention to the twenty-fifth article of the treaty now in full force between the two republics, refused, on demand, to give to the parties interested a copy of the judicial proceedings in the case in question, and that this prerequisite is indispensable to enable him to give a satisfactory statement of the whole transaction. His excellency José Maria Ortiz Monasterio is too well acquainted with the importance of such a document not to admit the necessity of its production, before a definite arrangement can be made on this subject. The undersigned, therefore, trusts that, with as little delay as possible, an order may be given to the court at Campeachy to furnish to the owners, or the agents of those interested, a full and complete record of the judicial proceedings had on the wreck of the brig Aurora.



The undersigned has the honor to acknowledge the receipt of Mr. Monasterio's note of the 19th instant; and improves the present occasion to assure him of his distinguished consideration.

POWHATAN ELLIS.

To his Excellency JOSE MARIA ORTIZ MONASTERIO,  
*Acting Minister of Foreign Affairs.*

No. 48.

*Mr. Monasterio to Mr. Ellis.*

PALACI DEL GOBIERNO NACIONAL,  
*Mejico, 27 de Setiembre de 1836.*

El infrascrito, oficial mayor lo encargado del despacho de la secretaria de relaciones, tiene el honor de participar al Hon Sor. Powhatan Ellis, que su nota de 20 del actual, relativa al caso del bergantin *Aurora*, se ha transcrito al ministerio de justicia, para que, como asunto en que esta conociendo, como propio de sus atribuciones, dicté la resolucion conveniente; que el que suscribe pondra en noticia del Hon. Sor. Ellis, a quien reproduce las protestas de su muy distinguida consideracion.

JOSE MARIA ORTIZ MONASTERIO.

Al Hon. Sor. POWHATAN ELLIS,  
*Encargado de Negocios de los Estados Unidos de America.*

No. 49.

*Mr. Monasterio to Mr. Ellis.*

[TRANSLATION.]

PALACE OF THE NATIONAL GOVERNMENT,  
*Mexico, September 27, 1836.*

The undersigned, acting minister of foreign affairs, has the honor to inform the Honorable Powhatan Ellis that his note of the 20th instant, relative to the case of the brig *Aurora*, has been transferred to the minister of justice, because it being a subject with which he is conversant, as one embraced within his peculiar functions, he will dictate all proper provisions; the results of which the undersigned will advise Mr. Ellis of, to whom he renews the assurances of his very distinguished consideration.

JOSE MARIA ORTIZ MONASTERIO.

To the Hon. POWHATAN ELLIS,  
*Chargé d'Affaires of the United States of America.*

No. 50.

*Mr. Ellis to Mr. Forsyth.—Extract.*

LEGATION OF THE UNITED STATES OF AMERICA,

*Mexico, October 11, 1836.*

SIR :

As already intimated to you, I have little expectation of a satisfactory adjustment of our claims on this Government. I shall, however, pursue, to the letter, your instructions on the subject, and advise you from time to time of such progress as I may make in the matter.

I have the honor to be,

With high esteem,

Your obedient servant,

POWHATAN ELLIS.

HON. JOHN FORSYTH,

*Secretary of State, Washington City.*

No. 51.

*Mr. Ellis to Mr. Forsyth.*

LEGATION OF THE UNITED STATES OF AMERICA,

*Mexico, October 25, 1836.*

SIR : I have the honor to transmit for your information a copy of my note of the 20th instant to the acting minister of foreign affairs, on the subject of my letter addressed to him on the 26th ultimo, and his answer to the same. If I receive no further communication from the Government, I shall, in the course of two or three days, inform Mr. Monasterio of my intention to demand my passports at the expiration of two weeks, should a satisfactory answer be withheld in regard to the alleged causes of complaint against the Mexican Government.

I will again suggest, that I have no hope of a satisfactory adjustment of our affairs with this Government; yet every principle of justice would seem to require at the hands of the President of the United States that this matter should be pressed to a speedy and honorable conclusion.

With great respect,

I have the honor to be,

Your obedient servant,

POWHATAN ELLIS.

HON. JOHN FORSYTH,

*Secretary of State, Washington City.*

No. 52.

*Mr. Ellis to Mr. Monasterio.*

LEGATION OF THE UNITED STATES OF AMERICA,  
*Mexico, October 20, 1836.*

The undersigned, chargé d'affaires of the United States of America, asks permission to call the attention of your excellency to his note of the 26th ultimo.

In presenting so urgent a representation as he did on that occasion, of the wrongs of which his Government has such just cause to complain, the undersigned indulged the hope that a returning sense of justice on the part of the Supreme Mexican Government would have induced it to enter into a speedy arrangement of all alleged causes of complaint against it; but he has seen with regret that his anticipations, thus far, have not been realized. He now has the honor to inform your excellency, that, unless redress is afforded without unnecessary delay in the several cases heretofore brought to the notice of this Government, the longer residence of the undersigned, as the representative of the Government of the United States of America, near that of Mexico, will be useless.

The undersigned avails himself of the opportunity thus presented to renew to your excellency the assurance of his undiminished personal esteem and distinguished consideration.

POWHATAN ELLIS.

To his excellency JOSE MARIA ORTIZ MONASTERIO,  
*Acting Minister of Foreign Affairs.*

No. 53.

*Mr. Monasterio to Mr. Ellis.*

PALACIO DEL GOBIERNO NACIONAL,  
*MEJICO, Octubre 21 de 1836.*

El infrascripto, oficial mayor encargado del despacho de la Secretaria de Relaciones, ha visto con sentimiento la nota que el Hon. Sr. P. Ellis, le dirigió ayer, indicando que si no recibe pronta contestacion á la de 26 del proximo pasado, considerará inutil su permanencia en Mejico, como representante de los Estados Unidos de America. El Gobierno del que suscribe no puede comprender que el retardo en la contestacion de una nota, por grave que sea su asunto, se consideré como causa bastante para dar el paso referido; mucho mas si atiende á que la demora de la respuesta, no depende de omision del ministerio, sino de otros motivos que no han podido evitarse. Tales son en el presente caso como el infrascripto tubo ya el honor de manifestar al Hon. Sr. Ellis, la falta de antecedentes en la Secretaria de su cargo, sobre algunos de los negocios que se refieren en la citada nota del 26 del pasado; la necesidad de solicitarlos de las otras Secretarias del despacho, y aun de los gobiernos de los

departamentos respectivos, y el tiempo aunque sea el muy precioso, que se requiere reunidos que sean aquellos para examinar con detencion los puntos sobre que se versan, á fin de contestarlos de la manera que exigen los intereses nacionales, y los deseos del Supremo Gobierno, de satisfacer al de los Estados Unidos, en todo aquello que le favorezca la justicia, en los reclamos que ha presentado.

Estas observaciones no pueden dejar de tener todo su peso á la consideracion del Hon. Sr. P. Ellis, y como el infrascripto lo suponía penetrado de ellas, le causa mayor sentimiento, que su señoría juzgue que el Gobierno Mejicano ha hecho poca atencion en su nota referida, puesto que indica la idea de separarse de las funciones que ejerce. El que suscribe con acuerdo de su excellencia el Presidente interino, no puede por ahora hacer otra cosa, sino reproducir al Sr. encargado de negocios de los Estados Unidos, que luego que reuna y examine los datos todos que son necesarios, contestara la nota de que se trata. Tiene ya pedidos al efecto los que le faltan, activara su envio á este Ministerio, y protesta que preferentemente se ocupará de los negocios que el Hon. Sr. Ellis ha sometido al conocimiento del Gobierno Supremo.

El infrascripto aprovecha la oportunidad de reproducir á su señoría las protestas de su muy distinguida consideracion y aprecio.

JOSE MARIA ORTIZ MONASTERIO.

Al honorable Sr. POWHATAN ELLIS,

*Encargado de Negocios de los Estados Unidos de America.*

No. 54.

*Mr. Monasterio to Mr. Ellis.*

[TRANSLATION.]

PALACE OF THE NATIONAL GOVERNMENT,

MEXICO, October 21, 1836.

The undersigned, acting minister of foreign affairs, has seen with pain the note which the honorable Powhatan Ellis addressed to him yesterday, advising that, unless he received a prompt reply to that of the 26th ultimo, he should consider useless his residence in Mexico as the representative of the United States of America. The Government of the undersigned cannot understand how a delay in the reply to any note, however grave its subject may be, could be considered a sufficient cause for taking the step referred to—much more if it is recollected that the delay in such answer does not arise from any omission on the part of the minister, but from circumstances which it is not in his power to control. These circumstances in the present instance, as the undersigned has already had the honor to inform the honorable Mr. Ellis, owing to the neglect of his predecessors in the office at this time under his charge in some of the matters to which the note aforesaid of the 26th ultimo refers, are, the necessity of procuring documents from the offices of the other secretaries, and even from the Governments of the respective depart-

ments themselves; and the time, although it may be very precious, requisite to collect such documents, in order to examine deliberately the several points with which it is necessary to be conversant before replying to them in a manner called for by the interests of the nation, and the desire of the Supreme Government to render satisfaction to that of the United States in every case, supported by justice, among the reclamations which have been presented.

These observations cannot fail to have their due weight upon the consideration of the honorable Powhatan Ellis; and as the undersigned had supposed he was previously impressed with them, the greater pain was caused that he should have imagined the Mexican Government had paid little attention to his note aforesaid, and that he should have manifested any intention to withdraw himself from the functions which he now exercises.

The undersigned, with the advice of his excellency the President *ad interim*, can do nothing more at this time than reassure the chargé d'affaires of the United States, that as soon as he can collect and examine all the necessary data, he will reply to the note in question. He has already made requisitions to this effect for those that are wanting. He will hasten their transmission to this office; and he protests that he will occupy himself exclusively with the affairs which the honorable Mr. Ellis has submitted to the consideration of the Supreme Government.

The undersigned avails himself of this opportunity to renew to his excellency the assurance of his very distinguished consideration and esteem.

JOSE MARIA ORTIZ MONASTERIO.

To the Hon. POWHATAN ELLIS,  
*Chargé d'Affaires of the United States of America.*

No. 55.

*Mr. Ellis to Mr. Forsyth.*

LEGATION OF THE UNITED STATES OF AMERICA,

*Mexico, November 10, 1836.*

SIR: I have the honor to enclose to you a copy of my note of the 4th instant, addressed to his excellency José Maria Ortiz Monasterio, acting minister of foreign affairs, in compliance with your instructions of the 20th of July last. He has not answered this communication. You will see by a reference to his note of the 21st ultimo, in answer to mine of the preceding day, that he designates no time at which he will be prepared to give the necessary explanations, and under such justice as may be deemed commensurate with the injuries complained of by the United States. Under such circumstances, the policy of this Government has not been such as to inspire me with entire confidence in their speedy and satisfactory adjustment of all our difficulties, and I could not feel myself justified in waiting upon them until they might find it convenient hereafter to address me a more favorable note upon the subject. I am strongly inclined to believe that moment never will arrive, and that I may see you in Washington city before the end of January next.

I transmit a duplicate of my despatch No. 32, and have the honor to be,  
with the greatest respect, your most obedient servant,  
POWHATAN ELLIS.

Hon. JOHN FORSYTH,  
*Secretary of State, Washington City.*

No. 56.

*Mr. Ellis to Mr. Monasterio.*

LEGATION OF THE UNITED STATES OF AMERICA,  
*Mexico, November 4, 1836.*

The undersigned, chargé d'affaires of the United States of America, has the honor to represent to his excellency José Maria Ortiz Monasterio, acting minister of foreign affairs, that he has witnessed, with the greatest pain and anxiety, the failure on the part of this Government to give a favorable response to his notes of the 26th of September and the 20th of October last past. In consequence of this state of things, he is instructed to make known to the Supreme Mexican Government, that unless a satisfactory answer be received within the space of two weeks from the date hereof, he is directed to demand his passports, and return to the United States.

The undersigned will take great pleasure in meeting your excellency at any time, to enter into an arrangement of the numerous causes of complaint against this Government by that of the United States of America; and he improves the present opportunity to renew to your excellency the assurance of his most distinguished consideration.

POWHATAN ELLIS.

To his Excellency JOSE MARIA ORTIZ MONASTERIO,  
*Acting Minister of Foreign Affairs.*

No. 57.

*Mr. Ellis to Mr. Forsyth.—Extract.*

LEGATION OF THE UNITED STATES OF AMERICA,  
*Mexico, November 30, 1836.*

SIR :

I have received from the acting minister of foreign affairs an answer to my note of the 26th of September last, and it is wholly unsatisfactory. Unless something favorable should occur to produce a change of determination, I shall demand my passports in three or four days, and return to the United States.

I have the honor to be,

With the greatest respect,

Your obedient servant,

POWHATAN ELLIS.

Hon. JOHN FORSYTH,  
*Secretary of State, Washington.*

No. 58.

*Mr. Ellis to Mr. Forsyth.—Extract.*

MEXICO, December 9, 1836.

SIR :

Mr. Gorostiza has arrived, and the Government paper announces that his conduct in the United States has been approved by the competent authority here.

No. 59.

*Mr. Forsyth to Mr. Ellis.*

DEPARTMENT OF STATE,

WASHINGTON, December 10, 1836.

SIR : Mr. Gorostiza has, upon his own responsibility, terminated his extraordinary mission to the United States. The President will not believe that the Mexican Government is under the influence of the obvious prejudices which have distorted and discolored every object seen here in the view of their functionary. The full and frank explanations of his motives and purposes, in the precautionary means taken on the frontiers, should have satisfied that Government that nothing could be further from the President's intentions than to injure Mexico in her interests or in her honor. Under this conviction, he trusts that the departure of the extraordinary mission will, in no respect, interrupt the friendly relations between the two Governments ; and he instructs me to say, that whatever feelings such a step was calculated to produce, it shall not be permitted to diminish his confidence in the amicable disposition of the Mexican Government, nor to operate in his mind prejudicially to its interests. Although the President supposes that the Mexican Government will have found, in the communications heretofore made by the department to its envoy extraordinary, satisfactory grounds to justify the measure viewed so unfavorably by Mr. Gorostiza, yet his sincere and strong desire to prevent any misunderstanding on the subject induced him to determine, on the departure of that minister, to make such explanations as might prevent the Mexican Government from being misled into the adoption of the errors of their minister. Since my return to the seat of Government, the great pressure of other public business, and the condition of the President's health, have delayed until now the execution of that purpose.

So soon as the contest in Texas was found to be inevitable, it became the President's duty to consider its probable consequences to the United States, with a view to guard against the injuries it might produce to our citizens, and to the performance of the obligations of the Government to a friendly and neighboring Power. The more immediate danger was, that the contending parties might, in the struggle, find it necessary or convenient to seek for advantage or protection, refuge on the territory of

the United States ; and that, being pursued by their adversaries, our soil might become the battle-ground for deciding the contest. Sufficient warning to both was therefore given, that this could not and would not be permitted. Subsequent events rendered any further precautionary steps in that regard unnecessary ; but among the stipulations of Mexico and the United States to each other, was found one obliging each party to restrain the Indians within its dominions from all depredations upon the adjoining Power. The extent in which this provision was understood by Mexico will be seen by recurring to the complaints made to this Government, that some of the Indians on our side had crossed over, without even an allegation of its having been done with any hostile design towards Mexico. Without assenting to the claims of Mexico as to the extent of the obligations of the United States under the treaty stipulation, the President was duly sensible that it required decisive means on his part to prevent the Indians within the United States from entering into the quarrel in Texas. In addition to warning advice, given through our Indian agents, the presence of some of our troops was deemed indispensable to enforce, if necessary, the council given to them. The presence of this force was imperatively demanded to prevent evils which might arise from various other causes. The savage tribes prone to war, within reach of the contending parties, were numerous ; and, on the Mexican side, known to be under very imperfect control. These warlike tribes, without regard to the combatants, might be tempted to fall upon the frontiers of the United States or Mexico, hoping that their depredations might be imputed to the known parties in the war. One of the combatants, in the event of defeat, or to strengthen himself against the more potent adversary, might solicit, and, it was to be feared, might obtain, the active co-operation of some of the Indian tribes, whose conduct, when once in the field, it would be impracticable to regulate according to the rules of civilized warfare, or to the obligations of their allies—to respect the territory, the persons and property of neutrals. The distance of the scene of operations from the seat of Government compelled the Chief Magistrate to trust the discretionary power of using the troops to the commanding officer ; yet, such care was taken in framing the order, given with the authority to act, that the President believed it scarcely possible that cause of just complaint could arise ; yet, from extreme caution, and from an anxious desire to prevent the possibility of misconception on the part of Mexico, the steps taken were immediately made known to the minister plenipotentiary of that country, with the most explicit specification of the objects for which, and for which alone, the discretionary power to the commanding officer on the frontier was given. The President did not doubt that, on the actual occurrence of any of the evils anticipated, or on satisfactory evidence of imminent danger of them, the commanding officer of the troops on the frontier had an indisputable right, in defence of the United States, or in protecting Mexican territory, according to the stipulation of the treaty, to occupy any position on either side of the line supposed to divide the two countries, which might be necessary to enable him to perform either of those duties. Yet, he deemed it proper, from the peculiar circumstances of the contest in Texas, to limit that discretion by special instructions to move towards the Mexican side only under a state of things which should make that step justifi-



visible in the eyes even of those who were disposed to watch every movement on our part with suspicion and jealousy.

You will perceive that Mr. Gorostiza, in his conference with me, distinctly admitted our right, in the event of hostility to the United States by Mexican Indians, to invade the territory of Texas, either to prevent intended injury, or to punish actual depredation. In a note written subsequently, he seeks to avoid the force of that admission, by confounding the principle upon which it obviously rests with the right of making war for a violation of treaty engagement. You will find no difficulty in showing to the Mexican Government that it rests upon principles of the law of nations, entirely distinct from those on which war is justified—upon the immutable principles of self-defence—upon the principles which justify decisive measures of precaution to prevent irreparable evil to our own or to a neighboring people. The grossness of the error of placing it on the right of war, as also the folly of relying upon that mode of redress, you can render obvious, by supposing that hostilities were, under present circumstances on the frontier, about to begin, our fellow-citizens, of all ages and classes, to be exposed to massacre, their property to destruction, and the whole frontier to be laid waste by those savages Mexico was bound to control. Until these evils happen, on Mr. Gorostiza's theory, we have no right to take a position which will enable us to act with effect; and, before we do act, according to our promises under the thirty-third article of the treaty, after the frontier has been desolated, we must demand redress of Mexico—wait for it to be refused—and then make war upon Mexico. We are quietly to suffer injuries we might prevent, in the expectation of redress—redress for irreparable injuries from Mexico, who did not inflict them, but who was, from circumstances, without the power to prevent, as she would be, after they were inflicted, without the power to redress them. To make war upon Mexico for this involuntary failure to comply with her obligations, would be equivalent to an attempt to convert her misfortunes into crimes—her inability into guilt. If these injuries had been committed, and our complaints made to Mexico, what answer could be given to declarations of the Mexican Government like these: "We had not the power to prevent the evils of which you complain. Our inability to perform our promises was well known to you. It was your duty, having the means, to prevent these evils. We expected this would be done; and if, unwisely, you have suffered them to be inflicted upon you, while we regret infinitely what has occurred, we can only express our regret, and call upon you to consider that your vengeance should fall not on Mexico or her citizens, but upon the tribes who committed the cruelties on your frontiers, or upon the rebellious people (in Texas) by whom those tribes should have been restrained?" In determining upon the precautions authorized by him to avert evils that could not be repaired, to avoid the mockery of calling upon Mexico for redress for injuries it was out of her power to guard against, and the cruelty of seeking for satisfaction of weakness, which was due only from guilt, the President will not—cannot—believe that Mexico, in the present condition of her affairs, will consider her character or interests in the slightest degree injured; and you will distinctly state to that Government that, until they have a force competent to perform the treaty stipulations near the frontier, he will be compelled

to regard every indication of dissatisfaction as founded not upon the principles of national law, but on a groundless suspicion of the intentions of the United States.

I shall send, with this despatch, a copy of the President's message at the opening of Congress, from which you will be able to draw additional evidences of the just and amicable intentions of the Chief Magistrate. The President desires that you should give such explanations to the Mexican Government as these instructions will enable you to make; which, if received in the proper and friendly spirit in which they are offered, will, he trusts, remove all ground for doubts and anxieties, if any have been entertained on the subject.

It would be gratifying to the President; if this communication, which you will have to make to the Mexican Government, was limited to these explanations. Unfortunately, the conduct of its late minister extraordinary has made it necessary to touch upon even a more unpleasant topic. You will learn with astonishment that Mr. Gorostiza, while enjoying his diplomatic privilege, although after he had declared his mission at an end, published, on his own authority, a pamphlet (a copy of which is herewith sent to you) containing parts of his unpublished correspondence with this Department, and extracts from his letters to the Mexican Secretary of Foreign Relations, with a long introductory preface. The publication of his correspondence with the Department, without the authority of his Government, is believed to be unexampled in the history of diplomacy, and was not decorous to the Government of the United States. The extracts from his correspondence with his own Government, and his introduction to the whole, contain statements and comments defamatory of the Government and people of the United States, and obviously intended to injure the character of both, for honor and good faith, in the eyes of the world. This pamphlet, although not circulated generally among our citizens, was in the hands of editors of newspapers, who have published extracts from it; and the President has been informed that two copies of it were sent by its author, at the moment of his departure from the United States, to some, if not to all, the members of the foreign diplomatic body accredited here. This act, still more extraordinary, because it almost immediately followed the communication of the President's intention to direct that explanations, which he believed would be satisfactory, should be made to the Mexican Government, has excited but one sentiment among those to whom it is known. In directing you to make known the publication of this pamphlet to the Mexican Government, the President does not doubt the truth of the declaration made by its author, that this publication was his own personal act, for which he had no authority from his Government; nor will he permit himself to suppose for an instant, that it will adopt or sanction conduct so glaringly violating all the decorum of diplomatic usage; so disrespectful to the Government and people of the United States; so unworthy the representative of a respectable Government; and so well calculated to interrupt the harmony and good will which ought to subsist between the United States and Mexico.

How far the character of the Mexican Government for decorum and justice, and an honorable desire to maintain a respectable rank among the civilized nations of the world, require a distinct manifestation of its

just displeasure at such an extraordinary step, are questions that belong to itself alone to consider and decide.

In giving you this instruction to make known to the Mexican Government the conduct of its envoy, without a demand of reparation at its hands, the President is influenced, as well by the explicit disavowal of the envoy of all participation on the part of his Government in the act complained of, as by the sincere conviction, already expressed, that a step so reprehensible will not be countenanced by it. But if, contrary to all just expectation, the Mexican Government shall adopt that act, or give sanction to it, by approving of their minister's conduct, the continuance of diplomatic intercourse between the two countries can no longer be either useful or reputable to the United States. However painful may be the consequences, the honor of the American people requires the President to instruct you, as I now do, in that event, to demand your passports, and to return forthwith, bringing with you all the archives of the legation, to the United States.

I have the honor to be, sir,  
Your obedient servant,  
JOHN FORSYTH.

POWHATAN ELLIS, Esq.,  
*Chargé d'Affaires of the United States, Mexico.*

No. 60.

*Mr. Ellis to Mr. Forsyth.*

LEGATION OF THE UNITED STATES OF AMERICA,  
*Mexico, December 14, 1836.*

SIR: I have the honor to inform you that I demanded my passports of this Government on the 13th instant, and shall repair to Washington city without delay. To the note, embracing this demand, I have as yet received no reply. The correspondence which led to this state of things I shall not be able to present to you previously to my return to the United States.

I am, sir, with great respect,  
Your most obedient servant,  
POWHATAN ELLIS.

Hon. JOHN FORSYTH,  
*Secretary of State, Washington City.*

No. 61.

Mr. Ellis to Mr. Forsyth.—Extract.

LEGATION OF THE UNITED STATES OF AMERICA,  
*Mexico, December 21, 1836.*

SIR: . . . . .  
I have not received an answer to my note of the 7th instant, demanding

my passports of this Government, with a view to return to the United States.\* To-morrow I shall address a second note to the acting Minister of Foreign Affairs, demanding them within a given time; and if they are not sent to me, I shall leave this capital without them.

I am fully persuaded that nothing but a prompt, firm, and decisive course of action on the part of the Congress of the United States will induce these people to adjust the subjects of controversy between the two Governments.

Hon. JOHN FORSYTH,  
*Secretary of State, Washington City.*

\* The note of the 7th was not sent into the Office of Foreign Relations until the 13th, in consequence of the copy of it not having been completed, and the intervention of three successive feast days, which prevented the transaction of public business.

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No. 62.

*Mr. Perrine to Mr. Ellis.*

CONSULATE OF THE UNITED STATES OF AMERICA,  
*Campeachy, October 4, 1836.*

SIR: I transmit to you copies of two official letters to the jefe politico of this city, to neither of which have I yet received any written reply; nor has either the American seaman been delivered, or his protection been returned to me. The jefe politico professes to be as friendly and grateful to me as any Mexican can be to an American. He has verbally told me several times that he was doing all in his power to obtain said American seaman, by writing to the commander, and by even visiting the squandron; that the officers have falsely assured him that the sailor had been sent ashore; and that he was only waiting for his arrival to return said sailor and his protection to me, with an official reply to my communication. As, however, I know these people too well to believe that said sailor will be released, and as I am informed that several other American seamen are also impressed into the Mexican service to fight the Texans, I write this communication with the hope that you will obtain an order from the Mexican Government to have all such Americans set at liberty, to prohibit any further impressment of our sailors, and to punish all their guilty oppressors, past, present, and future.

I have the honor to be, very respectfully,

Your obedient servant,

HENRY PERRINE.

Hon. P. ELLIS,  
*American Minister in Mexico.*

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No. 63.

*Mr. Burrough to Mr. Forsyth.*

CONSULATE OF THE UNITED STATES OF AMERICA,  
*Vera Cruz, November 22, 1836.*

SIR: It becomes my duty to reveal to you the facts of an outrage, not less monstrous in principle than, perhaps, grave in its consequences, com-

mitted by the authorities of the Mexican Government in this place on the persons of citizens of the United States, composing a part of the naval force of the United States Government.

The United States ship Natchez, under the command of Master Commandant Mervine, and to which the subjects referred to were attached, arrived at this port on the 25th of October, and came to anchor, as usual, near the "Island Sacrificios." On the following day, at an hour previously stipulated by the authorities, the customary civilities of friendly Powers were interchanged. The officers of the ship now honored us with occasional visits, disposing of their boat's crew, when at the city, as circumstances rendered necessary and convenient.

It was on the 2d instant that Mr. Renshaw, passed midshipman, belonging to the said ship Natchez, arrived at the mole, and who soon after appeared at my office, bearing a note from Captain Mervine to my address. This being presented, he informed me that he should return in the course of half an hour and take charge of any letters that I might require him to carry to the ship. Scarcely fifteen minutes had elapsed when a gentleman called and desired me, for "God's sake to hasten to the mole," that the boat's crew of the American man-of-war were attacked and being murdered by the Mexican soldiery—the guard at the gate; that several of the men were already much injured, if not actually killed. I quickly repaired to the mole, where I beheld *two* of the boat's crew of the United States ship Natchez prostrate; and from the evidences of personal violence (their bodies being literally covered with blood) I supposed the vital spark extinct; and therefore proceeded to the boat lying at a short distance from them, and in which I discovered *six* other seamen belonging to the said ship. They were somewhat intoxicated, and also showed marks of a personal combat, and who were writhing under the wounds which I was informed they had received from the Mexican soldiery, boatmen, and others of the country, and by whom it appears they had been attacked; the former using, in the conflict, their cutlasses and bayoneted muskets, whilst the latter assailed them with fragments of stone, clubs, knives, and such other missiles as chance had thrown in their way.

By this time a number of soldiers had collected, and among which were likewise officers, occupying a position near the boat of the Natchez, the former having their deadly weapons, their arms poised in the direction of the crew, and the officers, with swords in hand, all apparently much excited. The seamen were at this time quiescent, under the charge of Mr. Renshaw, who had reached the mole some minutes previous to my arrival, and to whom it is just to say, that his officer-like conduct, on this occasion, reflects on him the highest credit, and to whose authority the seamen at once yielded, but on whom I was apprehensive that the soldiery would have fired, and which there is reason to believe was meditated, and would have been tacitly sanctioned by the officer of the guard, had Don Manuel Rodriguez, the captain of the port, at this awful juncture, not interposed his authority; who, being moved by feelings of humanity, not less than of justice, in behalf of the already half-murdered crew, averted the bloody deed.

It may not be amiss, perhaps, in this place, to state, that I am informed the above-named officer entertains the opinion, in common with many of

his countrymen, not influenced by prejudice, admitting the military tribunal to be *ex officio* empowered to take cognizance of the affair in question—a point which *he* is unwilling to concede. *No charges* of a magnitude worthy the notice of the Mexican Government *can, or ought, in anywise*, to rest against the boat's crew of the Natchez.

Returning to the more pertinent points of our subject : it being conceived by Mr. Renshaw, and justly so, that the seamen were incapacitated for duty, being maimed and otherwise disabled, and that it would be jeopardizing the lives of all to embark for the ship, the weather being boisterous, and a heavy sea running, he appealed to me, asking how, or in what manner, he should dispose of his men ? Apprehending the consequences of any renewal of hostilities, and as a measure of necessity, for the personal security of the said boat's crew against further violence, I recommended their being, for the present, placed in charge of the captain of the port, and to whose care, at the request of Mr. Renshaw, they were accordingly intrusted for safe-keeping, subject to the order of Mr. R. ; and all of whom, with the exception of *two*, were put in temporary confinement. These, being badly wounded, were sent to the hospital for the benefit of surgical aid.

At an early hour next morning, an officer arrived from the ship Natchez, and who was the bearer of a letter from the commander, addressed to the commandant of marine at this place, expressive of his regret at the occurrence of the previous day, and in which he assured the commandant of marine " that, on an investigation of the affair, if it should appear that the boat's crew of the ship Natchez, under his command, were the aggressors in the case, they should receive condign punishment."

This letter being presented, was *read* and *returned* to the commander of the Natchez, with a verbal message from General Vasquez, the *then* military commandant of the State, and to whom it had been submitted by the authority of the Marine Department.

An application being made to the captain of the port for the release of the seamen, I received for answer, that " an order having been issued from superior authority to detain them, he regretted not having it in his power to comply with my request." I now waited on the military commandant general in regard to the men, who informed me that the " mariners, my countrymen," " whose liberation was asked, had outraged the laws of the Mexican republic ; had assaulted the military guard at the mole ; and for which offence, the penalty, by the criminal code of Mexico, was a sentence to at least six years' hard labor in the public streets, and to which they would be condemned and made to suffer should the charges be substantiated ;" and who accordingly refused to order the liberation of the said seamen.

The commander of the United States ship Natchez now addressed a communication to the above-mentioned authority, under cover of note from this consulate, protesting against the detention of said seamen, and demanding their liberation, but which was disregarded by the aforesaid authority.

Captain Mervine, not being able to obtain the release of the boat's crew of the ship under his command, unlawfully detained by the authorities of this place, left for Pensacola, via Tampico, on the 10th of this month.

I have to inform you that the seamen still remain in prison, and whose fate and final destiny must depend on the Government of the United States, or such measures as may be adopted by the representative of the United States at the city of Mexico for their liberation.

I have the honor to inform you that the facts, as detailed, have been submitted officially to the notice of the chargé d'affaires of the United States at the capital of this republic, and who has been pleased to say that he will do all in his power to procure the release of the American seamen held in confinement by the arbitrary acts of the authorities of Vera Cruz.

I deem it proper to state, that all communication with the said mariners has been precluded me. Three several notes, addressed to the highest functionary of the local Government, requesting permission to visit them, and to minister to their comfort, have been written; all which has been denied me: thus contravening my official immunities to the prejudice of citizens of the United States shut up within the walls of a damp and loathsome prison, and who are enduring all the pains, privations, and sufferings of mind and body, incident to a state of incertitude and inquisitorial discipline.

With the assurance of my high respect,

I have the honor to be, sir,

Your obedient servant,

M. BURROUGH.

The Hon. JOHN FORSYTH,  
*Department of State, Washington.*

No. 64.

*Mr. Burrough to Mr. Forsyth.—Extract.*

CONSULATE OF THE UNITED STATES OF AMERICA,  
*Vera Cruz, December 1, 1836.*

SIR: My respects to the Department, No. 51, will have apprized you of a recent outrage committed on the persons of citizens of the United States at this place.

The sufferers on the occasion were James Hoover, Henry Hebert, Richard Freeman, Daniel Groves, John Williams, Samuel Long, John Davis, and Samuel Mouldon, of and belonging to the United States sloop of war Natchez, and who have been detained and imprisoned by the authorities of this Government, to the prejudice of the public service of the United States, without any just cause for the arbitrary measures pursued.

I have now the gratification to state that the above-mentioned seamen were released from confinement on the 25th ultimo, and delivered to the charge of this consulate, and who are retained at the expense of the United States, subject to the order of Commodore Dallas.

I regret to add, that the health of the aforementioned mariners is much impaired, not only from the wounds received from the Mexican soldiery on the morning of the 2d November, but from their subsequent confinement

in a humid and loathsome prison, (appropriated to convicts,) for the period of twenty-three days, on a short allowance of food.

I have the honor to be, sir,

Most respectfully,

Your obedient servant,

M. BURROUGH.

The Hon. JOHN FORSYTH,

*Department of State, Washington.*

No. 65.

*Mr. Ellis to Mr. Forsyth.—Extract.*

LEGATION OF THE UNITED STATES OF AMERICA,  
MEXICO, September 7, 1836.

SIR :

After a strong opposition on the part of the foreign merchants residents in this capital, the forced loan authorized by an act of Congress of the 16th of June last has been ultimately enforced. In general, they permitted their stores to be embargoed, and their goods to be seized, to an extent sufficient to cover the amount of the loan apportioned to each, and the expenses of the embargo; at the same time, citizens of the United States, by my instructions, formally protesting against the right of this Government to levy such contributions on them. As it is contemplated by the American merchants who have suffered by this measure to enter a claim for satisfaction against the Mexican Government, I shall be pleased to receive from you, at your earliest leisure, instructions as to the course I ought to pursue.

I have the honor to be,

With every respect, sir,

Your obedient servant,

POWHATAN ELLIS.

To the Hon. JOHN FORSYTH,

*Secretary of State, Washington city.*

No. 66.

*Mr. Forsyth to Mr. Ellis.*

DEPARTMENT OF STATE,  
Washington, December 20, 1836.

SIR : With regard to the forced loan authorized by an act of the Mexican Congress of the 16th June last, I am directed to instruct you that,



if the exaction which that Government made by it were a mere tax or contribution levied upon the inhabitants generally, our citizens resident in Mexico would have no right to complain, as they are subjected to such charges by the treaty. If, however, in its execution, (as, from your No. 18 appears to have been the case,) the law should be construed to authorize a loan or *contract*, really compulsory, you will persist, in conformity with the instructions heretofore given you, in demanding redress. Where practicable, this might be afforded by a return of the property taken, in kind; and, where not, by the payment of the value, in money, with full indemnity, in either case, for the damages sustained.

I have the honor to be, sir,

Your obedient servant,

**JOHN FORSYTH.**

POWHATAN ELLIS, Esq.,

*Chargé d'Affaires of the United States, Mexico.*

No. 67.

*Mr. Ellis to Mr. Forsyth.*

LEGATION OF THE UNITED STATES OF AMERICA,

*Mexico, October 15, 1836.*

SIR: I have the honor, herewith, to transmit to you a copy of my note to his excellency Jose Maria Ortiz Monasterio, acting minister of foreign affairs, in relation to an outrage recently committed on the flag of the United States by the Mexican authorities in Vera Cruz. The accompanying copy of a letter from Marmaduke Burrough, Esq., our consul at that place, contains the information upon which I acted.

These renewed and aggravated instances of insult and aggression on the flag of a friendly Power, I trust, will receive the marked reprehension of the President of the United States. So long as they are suffered to pass by without notice, so long will they be continued by a people who have heretofore shown but little respect to the rights of others.

I have not heard from the Minister of Foreign Affairs since his note of the 3d instant, addressed to me in reply to mine of the 26th ultimo.

I have the honor to be, with great respect,

Your obedient servant,

**POWHATAN ELLIS.**

HON. JOHN FORSYTH,

*Secretary of State, Washington city.*

No. 68.

*Mr. Burrough to Mr. Ellis.*

CONSULATE OF THE UNITED STATES OF AMERICA,

*Vera Cruz, October 8, 1836.*

SIR: I have to inform you that outrages of a serious character have this day been committed by the Government authorities of Vera Cruz, on the

flag of the United States. The American brig Fourth-of-July, of Baltimore, whereof Shubael G. Rogers is master, was this morning taken forcible possession of by officers of this Government; the master placed under guard, and finally, with his officers and crew, driven on shore. The Mexican flag was hoisted, under the fire of a gun, at 1 P. M.

The master, I take occasion to state, has not signed, as yet, any bill of sale or other document of the conveyance; the consignee and agent of this Government for the purchase of the said vessel, being unprepared to comply with all the requisitions indicated in the letter of instructions which the master bears, as vendor, from the owner, Mr. Edmund Didier, of the city of Baltimore.

The said master has entered protest before me against the proceedings had by the Mexican authorities; and how the case will terminate, is yet doubtful. Fortunately, the United States ship Boston is still in port, and, at my request, will remain a day or two longer. I shall confer with the commander of the Boston in this case, and furnish him with copies of the depositions of Captain Rogers and his officers; and may have it in my power to give you further information on the subject in my next.

I have the honor to be, sir, most respectfully,

Your obedient servant,

M. BURROUGH.

HON. POWHATAN ELLIS,

*Chargé d'Affaires United States at Mexico.*

P. S. Captain Rogers has put into my hands the amount claimed for payment of seamen, as required by the act of Congress of the 28th of February, 1803, in relation to discharge of seamen in a foreign port; but who has, agreeably to the ship's roll and shipping articles of the brig Fourth-of-July, violated the requisitions of the first section of the above act referred to in your official communication of the 1st instant.

M. B.

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No. 69.

*Mr. Ellis to Mr. Monasterio.*

LEGATION OF THE UNITED STATES OF AMERICA,

*Mexico, October 14, 1836.*

The undersigned, chargé d'affaires of the United States of America, begs leave to represent to your excellency that he is advised by the consul of the United States at Vera Cruz, that, on the 8th instant, certain Mexican officers boarded the American brig Fourth-of July, of Baltimore, S. C. Rogers, master, then lying at anchor in the port of Vera Cruz; forcibly took possession of her, placed the captain under guard, and finally compelled him and his crew to go on shore; at the same time supplanting the flag of the United States and hoisting that of this nation, under the firing of artillery.

The undersigned will refrain from making any comment on this extraordinary and unexpected outrage committed on the flag of his country,

under a full conviction that the acts were perpetrated without the knowledge or authority of this Government. He will, however, remark, that your excellency must at once see the enormity of the offence, as well as the measure of redress expected under such circumstances. He, therefore, in noticing this case, feels it to be his duty to demand of the Mexican Government the immediate restoration of the vessel in question, with damages for her detention; the prompt and exemplary punishment of the author of such lawless proceedings, and due satisfaction for the indignity offered to the United States in the forcible and arbitrary seizure of one of her vessels, without any just excuse whatever.

The undersigned profits of this occasion to offer to Mr. Monasterio the assurance of his personal esteem and very distinguished consideration.

POWHATAN ELLIS.

To his excellency JOSE MARIA ORTIZ MONASTERIO,  
*Acting Minister of Foreign Affairs.*

No. 70.

*Mr. Forsyth to Mr. Ellis.—Extract.*

DEPARTMENT OF STATE,

*Washington, December 9, 1836.*

SIR:

\* \* \* \* \*

With regard to the affair brought to the notice of the Department in your No. 29, I have to state that the Navy Department is in possession of information that the owners of the brig Fourth-of-July are content. You will consequently desist from claiming her, or damages for her detention, as American property. The circumstances, however, under which the vessel is represented to have been seized by the Mexican authorities, afford such strong presumptive proof of a design on their part to insult the flag of the United States, that you will, on that point, press for proper satisfaction. Acts of that character, proceeding from whatever motive, cannot be overlooked by this Government.

I have the honor to be, sir,

Your obedient servant,

JOHN FORSYTH.

POWHATAN ELLIS, Esq.,

*Chargé d'Affaires of the United States, Mexico.*

No. 71.

*Mr. Ellis to Mr. Forsyth.*

UNITED STATES SHIP BOSTON,

*Balize, January 12, 1837.*

SIR: I avail myself of an opportunity which presents itself at this moment, to advise you that I took my departure from the Mexican capital

on the 28th ultimo, and shall use every exertion to reach Washington city, with the archives of the legation, by the 1st of February.

I have the honor to be, with great respect,

Your most obedient servant,

POWHATAN ELLIS.

Hon. JOHN FORSYTH,

*Secretary of State, Washington city.*

CLAIMS UPON MEXICO.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

*Upon the subject of the claims of the United States upon the United Mexican States.*

FEBRUARY 8, 1837.

Referred to the Committee on Foreign Affairs.

*To the House of Representatives of the United States :*

At the beginning of this session Congress was informed, that our claims upon Mexico had not been adjusted, but that, notwithstanding the irritating effect upon her councils of the movements in Texas, I hoped, by great forbearance, to avoid the necessity of again bringing the subject of them to your notice. That hope has been disappointed. Having, in vain, urged upon that Government the justice of those claims, and my indispensable obligation to insist that there should be "no further delay in the acknowledgment, if not in the redress, of the injuries complained of," my duty requires that the whole subject should be presented, as it now is, for the action of Congress, whose exclusive right it is to decide on the further measures of redress to be employed. The length of time since some of the injuries have been committed—the repeated and unavailing applications for redress—the wanton character of some of the outrages upon the property and persons of our citizens—upon the officers and flag of the United States—independent of recent insults to this Government and people by the late extraordinary Mexican minister, would justify, in the eyes of all nations, immediate war. That remedy, however, should not be used by just and generous nations, confiding in their strength, for injuries committed, if it can be honorably avoided; and it has occurred to me that, considering the present embarrassed condition of that country, we should act with both wisdom and moderation by giving to Mexico one more opportunity to atone for the past, before we take redress into our own hands. To avoid all misconception on the part of Mexico, as well as to protect our own national character from reproach, this opportunity should be given with the avowed design and full preparation to take immediate satisfaction if it should not be obtained on a repetition of the demand for it.

Blair & Rives, printers.

To this end, I recommend that an act be passed authorizing reprisals, and the use of the naval force of the United States, by the Executive, against Mexico, to enforce them, in the event of a refusal by the Mexican Government to come to an amicable adjustment of the matters in controversy between us, upon another demand thereof, made from on board one of our vessels of war on the coast of Mexico.

The documents herewith transmitted, with those accompanying my message in answer to a call of the House of Representatives of the 17th ultimo, will enable Congress to judge of the propriety of the course heretofore pursued, and to decide upon the necessity of that now recommended.

If these views should fail to meet the concurrence of Congress, and that body be able to find, in the condition of the affairs between the two countries, as disclosed by the accompanying documents, with those referred to, any well grounded reasons to hope that an adjustment of the controversy between them can be effected, without a resort to the measures I have felt it my duty to recommend, they may be assured of my co-operation in any other course that shall be deemed honorable and proper.

ANDREW JACKSON.

WASHINGTON, *February 6, 1837.*

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DEPARTMENT OF STATE,  
*Washington, February 6, 1837.*

The Secretary of State has the honor to lay before the President copies of papers upon the subject of the relations between the United States and the Mexican republic, which have been received since the report from this department, made under the reference of the resolution of the House of Representatives of the 17th ultimo, together with a list of unsatisfied claims.

Respectfully submitted,

JOHN FORSYTH.

To the PRESIDENT OF THE UNITED STATES.

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*Mr. Ellis to Mr. Forsyth.*

LEGATION OF THE UNITED STATES OF AMERICA,  
*Mexico, December 6, 1836.*

SIR : I avail myself of the earliest opportunity to transmit to you copies of all the documents in relation to the seizure and imprisonment, at Vera Cruz, of eight seamen attached to the United States sloop of war Natchez, William Mervine, Esq. commander.

I have the honor to be, with great respect,  
Your very obedient servant,  
POWHATAN ELLIS.

HON. JOHN FORSYTH,  
*Secretary of State, Washington City.*

*Mr. Burrough to Mr. Ellis.*

CONSULATE OF UNITED STATES OF AMERICA,  
*Vera Cruz, November 3, 1836.*

SIR : It devolves on me to announce to you the occurrence of an unpleasant affair between the United States ship Natchez and the authorities at this place.

At an early hour yesterday morning, a boat from the United States ship Natchez, with eight men, under the charge of Midshipman Renshaw, arrived at the "muelle," bearing a letter from the commander to my address. In order to convey the letter to me, Mr. Renshaw left the boat for a few minutes, and in his absence the men found means to procure liquor, and soon became more or less inebriated, and a dispute in consequence arose between one of them and a fisherman, (as informed,) which resulted in a personal conflict ; but which of the two was the offender I have not been able to learn. The guards stationed at the gate, perceiving what had taken place, rushed down and attacked the seamen, and, at the point of the bayonet, drove a part of them into the boat, leaving two upon the ground, who had received severe wounds in the contest.

The officer of the boat arrived soon after the combat commenced, and did all in his power to quell it, and in which he came nigh being struck with the bayonets of the soldiery ; that, even after the men were driven into their boat, muskets (it is said) were levelled at them ; when the captain of the port, perceiving the intention of the soldiery to fire, ordered them to desist.

I was sent for, and found upon the "muelle" two seamen weltering in blood, both badly wounded, and the other six in the boat all more or less injured.

Mr. Renshaw, now addressing himself to me, remarked that the men were too much overcome with liquor to enable him to proceed to the ship, the wind being high, and desired my advice as to the disposition of them. I replied that I thought he had better have them placed in the guard-house,

where they could have medical advice and remain till sober ; and accordingly, at his instance, I requested the captain of the port to take charge of them, which he did, ordering the two that were most injured to the hospital.

On making a verbal demand for the men this day, the officers of Government refused to give them up. I consequently waited on the military commandant general, who urged that "the seamen had infringed the laws of the country by an assault on the soldiery, (although, as I believe, they did but act in self-defence,) and must abide the penalty;" and would not consent that they should be liberated. I proceeded to the ship *Natchez*, and made known to the commander the facts which are now laid before you, and who will, to-morrow, make a formal demand of the seamen ; at the same time assuring the authorities that if, on investigation, it be found that they should be the aggressors, exemplary punishment shall be inflicted ; and, in case the authorities still persist in detaining them, he will proceed, with all despatch, to Pensacola, where the case will be submitted to Commodore Dallas.

I beg leave to observe, that Rodriguez, the captain of the port, has taken a very proper and correct view of this subject, and, considering it but the evil effects of liquor, did not think it necessary to arrest the crew of the boat on the occasion, nor were any objections made at the time to their embarking. The commandant general seems disposed to carry things to extremities, and has intimated that the men are liable to a sentence of "*procEDURE*," and which, it is feared, without timely intervention, may be the penalty inflicted.

I am of opinion that the men are not so much to blame as the authorities would wish to make it appear in the case.

I have the honor to be, sir, very respectfully,

Your obedient servant,

M. BURROUGH.

Hon. POWHATAN ELLIS,

*Chargé d'Affaires U. S. A., Mexico.*

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No. 3.

*Mr. Burrough to Mr. Ellis.*

CONSULATE OF THE UNITED STATES OF AMERICA,  
*Vera Cruz, November 5, 1836.*

SIR : The seamen belonging to the United States sloop of war *Natchez*, imprisoned by the authorities of the Mexican Government on the 2d inst., are still in a state of incarceration. Enclosed I transmit copies of correspondence on the subject with the authorities of this city. The letter of Captain Mervine being at some length, I am unable to forward it by present conveyance. You shall have a copy of it at an early date.

At the hour of 8 o'clock this evening, I have received a letter from the military commandant general of the department of Vera Cruz, accompanying another letter to the address of Captain Mervine, acknowledging the receipt of our respective communications, and which he informs us shall receive early replies. In the mean time, I have reason to suspect that he expects advices from the capital, with which he has communicated, in regard to the seamen in question.

On further investigation of the occurrence, I am the more satisfied that the American seamen were but little in error. I am engaged in taking the depositions of witnesses on the subject, (copies of which shall be forwarded to the legation;) and from all that I can learn, the seamen were not the assailants, but were barbarously attacked by the Mexican soldiery and the fishermen of the country, and inhumanly treated by an overwhelming force, armed with loaded muskets and fixed bayonets; and I again repeat, that the generous, humane, and officer-like conduct of Mr. Rodriguez, the captain of the port, was their salvation. The arms were directed at the inebriated crew after they had reached their boat, and on whom they (the soldiery) doubtless would have fired, had the captain of the port's timely interference not prevented it at this crisis. In short, I wish it may be understood, and as I trust will be hereafter proven, that the soldiery of this Government were the offenders, and *not* the American seamen. The latter were attacked by the former, and who *only*, as it would appear, acted in self-defence. The poor fellows were put in the stocks, and there kept for two days, since which they have been removed to another part of the town, and probably are at this time in heavy irons. I shall endeavor to ascertain to-morrow whether they are supplied with sufficient sustenance; but doubt if I shall be permitted to see them.

The proceedings of the military commandant general in this case are, as I am informed, condemned by both the civil and maritime authorities of Vera Cruz. I hope that you will be pleased to take such measures as are necessary for the release of our countrymen, all of whom are fine looking, able-bodied seamen, and whose lamentable situation at this time calls forth the sympathy of all foreigners at this place. Commandant General Vasquez is resolved (as it is stated) to detain the men and try them by the laws of this country.

I am, sir,

Most respectfully,

Your obedient servant,

M. BURROUGH.

Hon. P. ELLIS,

*Chargé d'Affaires United States of America, Mexico.*

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No. 4.

*Captain Mervine to the Commandant of Vera Cruz.*

UNITED STATES SHIP NATCHEZ,

*Off Island Sacrificios, November 2, 1836.*

SIR: It has just been reported to me that an affray of a very unpleasant nature has this day occurred on the quay at Vera Cruz, between a party of Mexican soldiers and the crew of the boat belonging to the ship under my command, during a momentary absence of the officer in charge of said boat. I have, therefore, to express to your excellency my sincere regret at the occurrence, and to assure you that if, upon inquiry, the provo-

cation shall appear to have originated from the crew, the offenders shall receive merited punishment.

Very respectfully,

I have the honor to be,

Your excellency's obedient servant,

WM. MERVINE,

*Commanding United States sloop of war Natchez.*

To JOSE ALDANA,

*Military Commandant General of Marine Department, Vera Cruz.*

No. 5.

*Mr. Burrough to the Captain of the Port of Vera Cruz.*

CONSULATE OF THE UNITED STATES OF AMERICA,

*Vera Cruz, November 3, 1836.*

SIR: I request that the boat's crew of the United States ship Natchez, consisting of eight men, and who, at the instance of the officer in command, were, on account of inebriety, yesterday placed under your charge, may now be liberated.

I have the honor to be, sir,

Very respectfully,

Your obedient servant,

M. BURROUGH.

To the CAPTAIN of the Port of Vera Cruz.

No. 6.

*The Captain of the Port of Vera Cruz to Mr. Burrough.*

CAPITANÍA DE PUERTO DE VERA CRUZ,

*Vera Cruz, 4 de Noviembre de 1836.*

No estando en mis atribuciones disponer de los marineros Americanos que fueron arrestados en la guardia principal, por haber dispuesto de ellos el Sôr comandante militar de esta plaza, puede V. dirigirse á dicho Sôr su solicitud.

Lo que tengo el honor de decir á V. en contestacion á su atento oficio de esta fecha.

Dios y libertad.

MANUEL RODRIGUEZ.

Al CONSUL de los Estados Unidos del Norte de America.

No. 7.

*The Captain of the Port of Vera Cruz to Mr. Burrough.*

[TRANSLATION.]

CAPTAINCY OF THE PORT OF VERA CRUZ,

*Vera Cruz, November 4, 1836.*

It not being within my attributes to dispose of the American seamen who were arrested by the principal guard, by reason of their having been trans-

ferred to the military commandant of this place, you should address your solicitation to the said commandant.

This I have the honor to say, in reply to your polite official note of this date.

God and liberty.

MANUEL RODRIGUEZ.

The CONSUL of the United States of North America.

No. 8.

*Mr. Burrough to Mr. Ellis.*

CONSULATE OF THE UNITED STATES OF AMERICA,  
*Vera Cruz, November 7, 1836.—At 9½ P. M.*

SIR: You will receive herewith copies of correspondence, &c., in relation to the seamen of the United States ship Natchez, who still remain in prison.

No official reply has yet been received by the commander of the Natchez, or myself, from General Vasquez, to our respective communications of the 3d and 4th instant, demanding the liberation of said seamen. I was called upon by the major of the plaza this evening, who desired that I would present myself before the fiscal, and give my declaration on the subject. I informed him that if he would address me an official note to that effect, I would reply to it, and declined complying with his verbal request, on the ground that I could not admit the authority of the Mexican Government to try the seamen in custody by their laws, inasmuch as they were individuals engaged in the public service of the United States, and amenable to the laws of our country, if guilty of offence. Under this feeling of a sense of propriety, I am unwilling to lend myself to the services of the Mexican Government in any manner that might bear with it an admission of the privilege of the military at this place to punish men in the service of our country; at the same time, having observed that I had stated to General Vasquez, in a letter covering communication of the commander of the Natchez, my views of the subject.

It is possible that my person may be outraged by the authorities for not complying with their wishes; and *very possible* that the next mail may convey to you the intelligence of my incarceration with the American seamen, for not acceding to the demand made by the officer of the plaza of this city.

You will be pleased to advise me what course it is proper to pursue in this case; and whether I am obliged, by the laws of Mexico, or my own Government, to give a declaration under the circumstances detailed? without having received any reply from the commandant general, who, it appears to me, has no right to detain the seamen in question, belonging to the United States navy.

Captain Mervine will sail on the 9th, as he informs me, whether the seamen are delivered up, or still detained by the authorities.

No reply to my letters, accompanying, requesting permit to visit the seamen, has yet been granted; and whether the poor fellows are living or dead, I am unable to ascertain.

I intended to have sent, by present conveyance, the depositions of three

persons, respecting the affray upon the mole; but find myself too much fatigued and indisposed to give you copies. You shall have them by next mail: suffice it to say, that these all go to prove that the *Mexican soldiery* were the aggressors, and not the American seamen.

I remain, truly and most respectfully,

Your obedient servant,

M. BURROUGH.

Hon. POWHATAN ELLIS,

*Chargé d'Affaires United States of America, Mexico.*

No. 9.

*Captain Mervine to Mr. Burrough.*

UNITED STATES SLOOP OF WAR NATCHEZ,  
*Off Island Sacrificios, near Vera Cruz, November 5, 1836.*

SIR: I have the honor to forward you, herewith, a copy of a communication I made to the commandant general of the marine department of Vera Cruz, relative to the late affray between a party of Mexican soldiers and citizens and seamen belonging to this ship; also, a copy of another, with the same reference, to the commandant general of the military department; also, the duplicate of a statement of the circumstances of the affray, as witnessed by the officer in charge of said seamen; all of which you will make such use of as circumstances may, in your judgment, require.

I likewise transmit you the names and grade of the men concerned in the affair, and who are now in confinement, by the Government authorities at Vera Cruz, viz:

Henry Horbist,  
Samuel Moulden,  
Samuel Long,  
Thomas Davis,

Richard Freeman,  
James Hoover,  
Nathaniel Groves,  
John Williams,

all seamen.

Very respectfully,

Your obedient servant.

WM. MERVINE,

*Com'dg U. S. sloop of war Natchez.*

To M. BURROUGH,

*United States Consul at Vera Cruz, Mexico.*

No. 10.

*Capt. Mervine to the Commandant of Vera Cruz.*

U. S. SLOOP OF WAR NATCHEZ,  
*Off the island of Sacrificios, near Vera Cruz, Nov. 3, 1836.*

SIR: Immediately upon receiving intelligence of the affray which yesterday occurred on the quay at Vera Cruz, between a party of Mexican soldiers and citizens on the one side, and the crew of a boat belonging to this ship on the other, I addressed a communication to one of the departments

of the police of the city, expressive of my profound regret at the unfortunate occurrence, and assuring him that if, on inquiry, the provocation should appear to have originated from the American seamen, the offenders should receive condign punishment. Not being acquainted with the limits of jurisdiction prescribed to the different departments of the said police, I addressed myself to the commandant general of the marine, who, I have subsequently learned, has not legal cognizance of the affair; and I have had the mortification to see the communication, for this simple fact, returned unnoticed.

Having been advised that your excellency is the proper functionary to be addressed on this occasion, I now repeat my sincere regret at an incident of so unpleasant a nature, and my assurance that I am prepared to take the necessary measures to insure a punishment proportionate to the degree of culpability, if any shall be found attaching to the seamen.

The United States consul informs me that the said note was submitted to your perusal, but that you refused to take official notice of it because it was addressed to another officer; and that you assured him it was determined to detain the seamen for trial, for violating the laws of Mexico, and further efforts for their release on his or my part would be ineffectual: notwithstanding which, I have deemed it imperative on me to officially address your excellency on the subject, in order that I might leave no proper means unemployed for preserving the harmony of the two Governments, which I believe would be endangered if the course you contemplate were persisted in. I could not have anticipated that the affair, though extremely unpleasant in itself, would be magnified into the importance which it appears to have acquired; nor could I have deemed it material to which of the departments my letter might be directed, as the attending circumstances were regarded as of a nature to dispose the reflecting on both sides to accept the slightest apologies, and forget the disgraceful proceeding in renewed assurances of good feeling and a cordial good understanding. It was not supposed to have arisen from national prejudice, but from the impulse of passion, in the parties concerned. It occurred during the momentary absence of the officer of the boat. The seamen, at least, were somewhat excited by a too free indulgence in ardent spirits, and were therefore the more deserving of forbearance from those not predisposed to quarrel. The immediate occasion of it was some abusive epithets interchanged between one of the seamen and a citizen, which, resulting in a rencontre between them, induced others to engage in the mutual assistance of their friends. These, as it has been represented to me, and, as I sincerely believe, will appear, upon an impartial investigation, are substantially the facts involving the culpability of the seamen. Judge, then, of my surprise, not to say indignation, on learning, by the return of the boat sent to bring off the seamen, that they had been put, not only in duress, but in the stocks, and are to be arraigned before a foreign tribunal, not simply for a misdemeanor, but as felons; and that your excellency intimated the probable result would be conviction and sentence to the "ball and chain" and six years' employment in sweeping the streets of Vera Cruz. I appeal to your sense of justice: what is there in the circumstances detailed above to justify their close and humiliating confinement, and much less the extreme severity contemplated against them?

But there are some other features of the case which should induce the

authorities at Vera Cruz to avoid a course of procedure calculated to give extensive publicity to, or perpetuate the memory of, the affair.

Let it be recollected that these men were only eight in number—one or two of them remained inactive; all were entirely unarmed with any thing like offensive weapons, having but two boat-hooks among them; that opposed to them were twice or three times their number, variously armed some with cutlasses, others with muskets with fixed bayonets, and others still with fragments of stone, which were liberally plied; that these dangerous weapons were freely used, as the number and severity of the wounds given by them will testify. No officer of the guard interposed to prevent violence, and an officer did supply the soldiers with ball-cartridges, with which the muskets were actually charged, and, thus charged, were deliberately levelled at their opponents, now inoffensive, some lying on the ground stupified by wounds, the rest (a part maimed) driven by overwhelming numbers and deadly arms into the boat; and even in this predicament, must have been massacred, but for the humane and energetic interposition of the captain of the port, who arrived at the critical moment when the muskets were on the point of being discharged. And then, in view of these facts, and the part enacted by the seamen, as already described, decide whether this be not an occasion for mutual sorrow, reciprocal charity, and forgetfulness.

This was my impression from the first, and the letter above referred to was adapted accordingly; and it is with great pain that I find myself unavoidably drawn into these details. I therefore feel myself constrained to solemnly protest against the detention of these men, as not to be justified by the circumstances of the case, as an act of ill faith, inasmuch as they are not in custody from a formal arrest; for they were delivered to the police by the officer of the boat and the United States consul, for the prevention of further outrages on either side, and for safe-keeping until they could be returned to the ship, themselves being too much disabled to manage the boat in the rough state of the sea, as a want of comity towards a nation allied to the Mexican Government by a treaty of friendship and cordial intercourse. I also protest against their being tried by the laws of Mexico, as not being amenable to them, for they are a part of the United States naval force, which Government is responsible for their conduct.

Have they violated the laws of Mexico, or outraged the property or persons of her citizens, prompt satisfaction will be given, upon suitable representation, and adequate punishment will be visited upon the offenders.

But we have seen that it is a case requiring a very different course of procedure on your part. The offence is mutual, trivial, but disagreeable; and should, therefore, be mutually regretted and forgotten.

In conclusion, I demand their immediate liberation. Do not, sir, by refusal, accumulate another upon the already too numerous causes of dissatisfaction between the two Governments.

Very respectfully,

I have the honor to be,

Your obedient servant,

**WM. MERVINE,**

*Commanding U. S. sloop of war Natchez.*

To His Excellency the **MILITARY COMMANDANT GENERAL**  
*of the Department of Vera Cruz, Mexico.*



No. 11.

*Midshipman Renshaw to Captain Mervine.*U. S. SHIP NATCHEZ,  
*Off Island of Sacrificios, November 5, 1836.*

SIR: In compliance with your order requiring an account of the following facts, I have to inform you, that about 9 o'clock, A. M., of the 2d instant, I received orders to proceed to Vera Cruz, in charge of the third cutter, having on board eight men and two officers, (stewards,) to execute certain commissions with which I had been charged. The officer in the fourth cutter, in whose care I had been directed to deliver the men, had already left the mole some time; and I therefore considered it my duty, notwithstanding, to perform the other part of my orders, and proceed to the consul's, after having placed the men in charge of the coxswain, whose authority they were bound to obey.

During my temporary absence, the men obtained liquor; and I hastened back with all despatch, hearing that a rencontre had taken place between them and the people on the quay. On my arrival, I discovered a serious affray between our sailors and the military guard, who, I observed, were being supplied with cartridges by a person apparently an officer. Several of the boat's crew were seriously injured—one supposed to be dead. My utmost exertions, assisted by the consul and other of our officers, who in the mean time had arrived on the spot, were not immediately effectual in reducing the men to authority, or in satisfying the soldiery, who were committing much uncalled-for violence; in fact, they appeared instigated by private feelings of revenge, more than a sense of duty. The situation of the crew being such as to render it very dangerous to leave the mole in the boat, (a very heavy sea running at the time,) I therefore requested the captain of the port, agreeably to the advice of the consul, to have the men taken care of until called for; and they were accordingly placed in temporary confinement for safe-keeping.

I deem it proper to add, that, during the disturbance, the scabbard of my sword was accidentally lost overboard, and not wishing to carry it about me, drawn, one was loaned to me by one of our officers, and mine handed to the consul to prevent any misconception.

This occasioned an erroneous report to be circulated, that our consul carried about a drawn sword, for purposes of violence—a report which respectable Americans and foreigners, and the captain of the port, who was present and acted in a manner highly creditable throughout, can, and will, no doubt, altogether contradict.

Very respectfully, your obedient servant,

FRANCIS B. RENSHAW,

*Passed Midshipman United States Navy.*

To Master Commandant WILLIAM MERVINE.

No. 12.

*Mr. Burrough to the Commandant of Vera Cruz.*CONSULATE OF THE UNITED STATES OF AMERICA,  
*Vera Cruz, November 4, 1836.*

SIR: I have the honor to lay before you an open letter to your address, which the commander of the United States ship Natchez has desired may

be transmitted through this consulate. It will be perceived that the commander of the above ship demands the liberation of eight men, constituting a boat's crew belonging to this vessel, who have been imprisoned and are still detained this city; and begs to assure you, that on an investigation of the charges preferred, should they appear to have been the aggressors in the case, exemplary punishment shall be inflicted.

The said commander protests against the detention of the seamen against their trial by the military or judicial authorities of the Mexican Government; and in which I, in my official capacity, also unite with him, and request that the said seamen may be forthwith set at liberty, agreeably to the requisition of the aforesaid commander.

I have the honor to be, sir,

With the assurance of my personal respect,

Your obedient servant,

**M. BURROUGH.**

To CIRIACO VASQUES,

*Military Commandant General of the Department of Vera Cruz.*

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No. 13.

*Mr. Burrough to the Commandant of Vera Cruz.*

CONSULATE OF THE UNITED STATES OF AMERICA,

*Vera Cruz, November 6, 1836.*

SIR: Being desirous of an interview with my countrymen, the eight seamen belonging to the United States ship Natchez, detained in this city, I request you will be pleased to inform me where they are to be found, and grant the necessary order for me to see them.

I have the honor to be,

Sir, most respectfully,

Your obedient servant,

**M. BURROUGH.**

To CIRIACO VASQUES,

*Military Commandant General of the Department of Vera Cruz.*

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No. 14.

*Mr. Burrough to the Commandant of Vera Cruz.*

CONSULATE OF THE UNITED STATES OF AMERICA,

*Vera Cruz, November 7, 1836, at 5 P. M.*

SIR: I yesterday had the honor to address you a note, by which, as consul of the United States, and guardian of the rights and liberties of my countrymen, I expressed a desire to be informed where the eight men belonging to the United States ship Natchez, at this time detained by the authorities of the Mexican Government, were to be found, and requested that you would be pleased to grant the necessary order for me to see them.

To my communication referred to, no reply has yet been received. I

therefore repeat my request, and beg that you will inform me where my countrymen are at this time imprisoned? and desire that you will grant the necessary permit to enable me to visit them, and, if circumstances render it necessary, to administer to their comfort.

I have the honor to be,

Sir, respectfully,

Your obedient servant,

M. BURROUGH.

To CIRIACO VASQUES,

*Military Commandant General of the Department of Vera Cruz.*

No. 15.

*Mr. Burrough to Mr. Ellis.*

CONSULATE OF THE UNITED STATES OF AMERICA,  
*Vera Cruz, November 10, 1836.*

SIR: Accompanying, I have the honor to transmit the depositions referred to in my last: also, additional correspondence on the subject-matter of my late communications to the legation, among which you may, perhaps, discover one or more duplicates of letters already forwarded.

The American seamen are still in custody of the authorities of this city, and whom I have not yet been permitted to visit, although I have made three applications to the military commandant to that effect, as you will perceive by copies of letters now forwarded; and whether the poor fellows are really dead or alive, I am unable to ascertain.

I am informed that an American citizen, who has been engaged in the service of the Mexican Government, (probably impressed into the service,) actuated by feelings of humanity towards his countrymen, went to the guard-house, some days since, in order to gain an interview with the said American seamen, but was ordered away; and, not leaving the spot at once, was shot down by the sentry. Under such circumstances, I am unwilling to hazard a visit to the prison without "permit" in writing from the military commandant general, or under the protection of an officer.

The seamen not being delivered up, as Captain Mervine had hoped would have been the case, after a detention of eight days, he accordingly left this morning at an early hour. He will touch at Tampico, and proceed thence immediately to Pensacola, where all the facts attendant on the imprisonment of his seamen will be laid before Commodore Dallas.

When the said men are given up, if at all, I shall take their declarations as to the facts connected with their detention, prison treatment, &c., and place them at lodgings more agreeable to them than those they at present are subjected to, and deliver them over to the first commander of any of our vessels of war visiting Vera Cruz.

General Castro assumed the command at this place, last evening, in place of General Vasquez, but not without some feeling of dissatisfaction manifested (as informed) on the part of the late incumbent: no blood, however, was shed on the occasion. It may, as I apprehend *will*, be said by the Mexican Government, that General Vasquez has been superseded from grievances represented by yourself to the authorities, which I have no rea-

son to believe is the fact. The military and some of the leading civilians made a representation of the state of affairs at this place, some days before the late occurrence, in regard to our claims, to the Supreme Government; and, in consequence of *that*, he has been removed.

The present commandant of this plaza, you will bear in mind, is the individual who was in command at Tampico when *twenty-nine* foreigners were shot, some months since, and the *same* who was at *your* instance removed for aggressions on officers of the United States navy at that port.

I shall endeavor to keep you advised, if my functions of office are not interrupted by the authorities of this place, of all that transpires in respect to the American seamen, and other matters of national interest; and, in the mean time, hope to be favored with the necessary instructions from you in regard to said seamen.

I have the honor to be,

Most respectfully,

Your obedient servant,

**M. BURROUGH.**

The Hon. POWHATAN ELLIS,

*Chargé d'Affaires U. S. A., Mexico.*

No. 16.

*Deposition of John Morrow.*

CONSULATE OF THE UNITED STATES OF AMERICA, }  
Vera Cruz, Mexico. }

This fourth day of November, in the year of our Lord one thousand eight hundred and thirty-six, before me, M. Burrough, consul of the United States of America at Vera Cruz, being cited, John Morrow, a native of Liverpool, aged fifteen, personally appeared, who, being duly and solemnly sworn on the Holy Evangely of Almighty God, did depose, declare, and say: That, on the morning of the 2d instant, he happened to be on the beach, near the "muelle" of this city, when his attention was called to a personal conflict which had taken place between a black man (a fisherman) and a sailor from the boat of the United States ship Natchez; and, whilst looking on, saw a soldier, with a broadsword in his hand, come up to the combatants and strike the American seaman with his sword. The sailor retreated towards the boat, which was lying alongside the mole, followed by the soldier, and who was constantly striking him till he reached the edge of the water. Another sailor of the boat was standing near, to whom the people of the country called the notice of the soldier, and whom he also struck several times with the broad part of his sword. The first mentioned sailor having gained his boat, returned with the boat-hook, and faced the soldier with it, who, he believes, had a musket in his hand. Two other soldiers now came down with muskets. Deponent, apprehending his own personal security, left the mole.

In testimony whereof, the said deponent hath set his hand, the day and year first above written.

**JOHN MORROW.**

Done and subscribed before me,

**M. BURROUGH,**

*Consul United States.*

*Deposition of Deidrick Erdmann.*

CONSULATE OF THE UNITED STATES OF AMERICA, }  
At Vera Cruz.

This fifth day of November, in the year of our Lord one thousand eight hundred and thirty-six, personally appeared Deidrick Erdmann, a native of Germany, aged 31 years, a resident of the city of Tampico, who, being duly and solemnly sworn on the Holy Evangely of Almighty God, did depose, declare, and say as follows: At about 12 o'clock, on the morning of the 2d instant, proceeded to the "meulle" of this place, where he saw three or four seamen (supposed to be American seamen belonging to the United States ship Natchez) standing on the north side of the muelle, or mole, all apparently more or less under the influence of liquor; and near to them, upon the beach, were as many as seven or eight native Mexicans (fishermen.) The parties were wrangling with each other. Deponent apprehending the consequences, being aware of the excitement and feeling at this time against the American people, (citizens of the United States,) left the mole in search of the officer of the boat, who had proceeded to the office of the American consul, on business, as he was informed. On passing through the gate at the mole, and when near the corner of the street leading to the plaza, met three sailors and two stewards belonging also to the United States ship Natchez, to whom he communicated what was going on with their shipmates; and, not meeting at once with the officer of the boat, returned to the mole, and perceived a soldier using his exertions to get one of the seamen back to the boat, and which was lying on the south side of the mole, some yards distant. The soldier was pushing the seaman towards the mole, the latter moving backwards. At this time, a sailor that was standing in the boat held up the boat-hook, and called to the other "to take it." The latter now turned, and, moving rapidly to the boat, took the boat-hook, in order to defend himself. The soldier now cried out to arms! (*¡a las armas!*) when he and three or four other soldiers of the guard ran to the guard-house, and returned with their muskets. The seamen were now assembled near the boat, who, perceiving the approach of the soldiery, with muskets in hand, and fixed bayonets, advanced towards them, and when within a few feet of each other, and near the centre of the mole, saw a native pick up a stone or fragment of rock, of the weight of eight or ten pounds, which was thrown at the American sailor having the boat-hook in his hand. At the same moment that the stone was thrown, the sailor cast his boat-hook towards one of the soldiers who had his musket pointed at him. The hook was parried by the soldier, and struck none of the assailants, but the seaman was knocked down, and badly cut about the face with the stone, and who was for some time supposed by the deponent to be dead; blood having flowed freely. In the course of the affray, another seaman was maimed and brought to the ground, but in what manner deponent did not see. Saw him lying near the edge of the mole, apparently much hurt.

The soldiery continuing to use forcible measures against the American seamen, with the intention of driving them into their boat, deponent left the mole in order to convey the intelligence of what was going on to the American consul, and which he did. On returning to the scene of bloodshed, accompanied by the American consul, saw the two seamen, who

had been, as before mentioned, badly wounded, still lying in the same position. The rest of the boat's crew were in the boat, under the charge of the officer, and around which stood several soldiers with arms, apparently much excited, besides a numerous assemblage of persons, comprising civilians and others of the country; among whom were also observed some foreigners. Further deponent knoweth nothing material in relation to this subject.

In testimony whereof, he hath hereunto set his hand, at the city of Vera Cruz, the day and year first above written.

DEIDRICK ERDMANN.

Sworn and subscribed before me,

M. BURROUGH,  
Consul U. S.

No. 18.

*Deposition of William Gibbs.*

CONSULATE OF THE UNITED STATES OF AMERICA, }  
At Vera Cruz, Mexico: }

This sixth day of November, one thousand eight hundred and thirty-six, before me, M. Burrough, consul of the United States of America at Vera Cruz, being cited, William Gibbs, a native of the United States, aged thirty-eight years, serving in the capacity of captain's steward on board the United States ship Natchez, under the command of William Mervine, Esq., who, being duly and solemnly sworn, did depose, declare, and say: That, on the morning of the 2d instant, left the ship to which he is attached, in her third cutter, manned with eight men, under the charge of Midshipman Renshaw, and proceeded to the mole at this city. On arriving, left immediately for the market, in order to purchase certain articles for ship's use; returned in a short time to the boat, at which period all was quiet. Again departed on duty, and in a few minutes was again on the mole; and who, on arrival, saw a Mexican soldier, with a cutlass in his hand, standing near the gate opening upon the mole, engaged in a quarrel with Nathaniel Groves, one of the seamen of the boat's crew of the United States ship Natchez aforesaid. The soldier stood with his cutlass raised over the head of the said seaman, menacing him; the mariner being overcome with liquor, deponent stepped in between the parties, with the view of preventing any personal violence, and led the seaman away; imploring, at the same time, by pacific gestures, (being unable to speak the language,) "not to strike the poor fellow," who stated that the soldier had twice struck him with his cutlass. Perceiving that the Mexican soldiery were collecting in considerable numbers, and resolved, apparently, to beat and abuse the boat's crew, if not carry things to greater extremities, he succeeded in getting seven of them into the boat.

Deponent now set out in search of the officer of the boat, and to whom he communicated and made known what had taken place; and who immediately hastened to the mole. Deponent, also, again returned; and by which time as many as ten or twelve Mexican soldiers, with muskets and fixed bayonets, and cutlasses, had assembled; and, likewise, twenty or thirty people of the country, (fishermen and laborers,) who were engaged in

throwing stones and other missiles at the boat's crew, who had now regained the mole, to the rescue of their shipmate Groves.

The Mexican soldiery both bayoneted and struck the American seamen repeatedly with their cutlasses, and so continued to inflict their blows, till all were driven into their boat, except two, who had been brought to the ground in the conflict, and who were so badly wounded as not to be able to reach the boat.

Deponent doth furthermore declare and say, that he saw an officer of the Mexican Government bring down cartridges to the soldiers, with which they loaded their muskets, and levelled them at the boat's crew, now in the boat, under charge of Mr. Renshaw, but who were prevented from firing by a person who he was informed was the captain of the port.

The officer in command of the seamen, finding that they were too much in liquor, besides being badly hurt, to enable him to proceed to the ship, (the wind being high,) ordered deponent to assist in conveying them to the guard-house, near the mole, which he did; and where, he understood, they were to be left in charge of the captain of the port till sober.

In testimony whereof, he, the said deponent, hath hereunto set his hand, the day and year of our Lord first above written.

WILLIAM GIBBS, his  $\times$  mark.

Sworn and subscribed before me,

M. BURROUGH,  
United States Consul.

No. 19.

*Deposition of David Alexander Baird.*

CONSULATE U. STATES OF AMERICA, }  
At Vera Cruz, Mexico.

This eighth day of November, in the year of our Lord one thousand eight hundred and thirty-six, before me, M. Burrough, consul of the United States of America at Vera Cruz, being cited, David Alexander Baird, a native of England, aged thirty years, of late a resident of Mexico, who being duly and solemnly sworn on the Holy Evangely of Almighty God, did depose, declare, and say, as follows: That he at present is lodging in the house of Fulton and Bell, proprietors of an hotel in this place, at which he was, on the morning of the 2d instant, between the hours of 11 and 12 o'clock, informed that some difference had taken place between a party of Mexican soldiers and the boat's crew of the United States ship Natchez, and that the Mexican soldiery were murdering the American seamen at the mole.

Deponent, in company with Midshipman Skipwith, belonging to the United States ship Natchez, immediately hastened to the scene of action, and, on arriving, saw two American seamen lying upon the mole, one of whom he supposed to be dead; both lying covered with blood. Six other seamen, belonging to the United States ship Natchez, were in the boat alongside the mole; and upon the mole, immediately overlooking the said boat, were as many as ten or twelve Mexican soldiers engaged at this time in loading their muskets with ball cartridges, and whose intention, depo

ment verily believes, was to fire upon the American seamen, and at whom the deadly weapons were actually twice levelled. The men were unarmed, and all, with the exception of one, (who was protecting the boat from injury against the mole,) were lying or sitting down perfectly quiet, being stupified by wounds and the effects of ardent spirits.

Deponent, at the request of the officer of the boat, went in search of the master of the American ship Mexican, on board of which it was proposed to place the boat's crew of the Natchez, until sober. In a few moments, deponent was again upon the mole, having returned in company with Capt. Kimball, of the aforesaid ship Mexican, and now discovered that the two seamen, one of whom was supposed dead, and had been lying upon the ground for some time, had received serious wounds; one having his upper lip and cheek laid open to the extent of two and a half to three inches, and the other badly hurt in the leg, upon or near the knee joint of the left limb. Deponent observing an altercation between one of these individuals (who had now attained his feet, though much weakened and overcome by the loss of blood) and one of the soldiers, went to him, the said seaman, in order to convey and assist him to the boat, when his interference was resented by the soldier, who, using a familiar and abusive epithet, made a pass at him with his musket, with bayonet attached. Deponent conceiving that his own personal life was endangered by being upon the mole, accordingly left it.

In testimony whereof, he hath hereunto set his hand, at the city of Vera Cruz aforesaid, the day and year first above written.

DAVID ALEXANDER BAIRD.

Sworn and subscribed before me,

M. BURROUGH.

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No. 20.

*The Commandant of Vera Cruz to Mr. Burrough.*

VERA CRUZ, *Noviembre 7 de 1836,*

*las diez de la noche.*

MUY SOR MIO: Como digo á V. á las seis de la tarde, al tener el honor de contestar su apreciable carta de ayer, y ahora repito, contestando la que acabo de recibir fecha de hoy, que no siendo de mis resurtes resolver las solicitudes á que se contraen las dos citadas cartas, al Sôr General Gomez, comandante de la plaza, es á quien toca mandar lo necesario á su efecto, y á quien tendra V. la dignacion de ocurrir reproduciendolos.

Con tal motivo, Sôr Consul, le reitero las protestas de mi sincera amistad con lo que soy su mas atento y seguro servidor, Q. B. S. M.

CIRIACO VASQUEZ.

M. BURROUGH,

*Sôr Consul de los Estados Unidos de America.*



No. 21.

*The Commandant of Vera Cruz to Mr. Burrough.*

[TRANSLATION.]

VERA CRUZ, November 7, 1836,

10 o'clock at night.

DEAR SIR: As I informed you at six o'clock this evening, when I had the honor to reply to your esteemed letter of yesterday, I now repeat, in answer to that received this day, that it not being in my power to grant the request contained in those two letters, as General Gomez the commandant of the place is the functionary empowered to give the necessary orders respecting them, you will be pleased to prefer your requests to him.

I repeat to you, Mr. Consul, the assurances of the sincere friendship with which I remain your attentive and obedient servant,

CIRIACO VASQUEZ.

MR. BURROUGH,

*The Consul of the United States of America.*

No. 22.

*General Gomez to Mr. Burrough.*

COMANDANCIA DE LA PLAZA DE VERA CRUZ,

VERA CRUZ, Noviembre 8 de 1836.

Con arreglo á lo que tienen determinado las leyes que vigen en la republica Mexicana, mandé á V. en esta mañana un recado politico, por medio de mi ayudante, citandolo para que concurriese á mi alojamiento, á las diez del dia de mañana, con el objeto de que ante el fiscal respectivo, de su declaracion judicial en una causa que se instruye y en que aparen citado como testigo V. Obsequiando las citadas leyes á que esta sujeto, debio cumplimentar mi recado sin necesidad de pedir como lo hizo, de que la cita se le hiciese por escrito; mas sin embargo, en obsequio de la mas pronta y recta administracion de justicia, la reitero por medio de esta nota, que se sirva comparecer en mi alojamiento á las diez del dia de mañana con el fin mencionado. Dios y libertad.

Ofresco á V. mi consideracion y aprecio.

GREGORIO GOMEZ.

Sr CONsul

*de los Estados Unidos del Norte de America.*

No. 23.

*General Gomez to Mr. Burrough.*

[TRANSLATION.]

COMMANDANCY OF THE PLACE OF VERA CRUZ,

VERA CRUZ, November 8, 1836.

Agreeably to the provisions of laws in force in the Mexican republic, I sent you this morning, by my adjutant, a polite message summoning you to

appear at my quarters at 10 o'clock to-morrow morning, in order to give your testimony before the proper *fiscal*, in a prosecution which has been instituted, and in which you were cited as a witness. Conformably with those laws to which you, sir, are subject, you should have complied with my request, without requiring, as you have, that the summons should be given in writing. However, in order that justice may be administered as promptly and equitably as possible, I repeat to you, by means of this note, my request that you will be pleased to present yourself at my quarters at ten o'clock to-morrow morning, for the purpose above stated. God and liberty.

I offer you the assurance of my consideration and esteem,

GREGORIO GOMEZ.

The CONSUL

*of the United States of North America.*

No. 24.

*The Commandant of Vera Cruz to Mr. Burrough.*

VERA CRUZ, *Noviembre 8 de 1836.*

MUY SOR MIO: Como ofrecé á V. en mi carta de 5 del actual, al avisarle recibo de la comunicacion del comandante de la corbeta de los Estados Unidos *Natchez*, que me remitió V. con la suya del 4 anterior, tengo la satisfaccion de contestarla manifestandole, que impuesto de que su solicitud particular está concebida en perfecta consonancia con la del citado comandante, y que asimismo tambien V. pretende la entrega y libertad de ocho marineros que componian la tripulacion de un bote perteneciente á dicho buque, protestando al mismo tiempo contra procedimientos judiciales á que estan sometidos entretanto se esclarecen los motivos que han dado lugar á su clausura; nada pues tengo que añadir á loque hoy digo, al comandante de la *Natchez*, en la adjunta respuesta, que por conducto de ese consulado tengo el honor de dirigirle, esperando que V. se servira instruirse de su contenida, tenerla toda por suya en contestacion, darle en seguida, y aceptar á la vez la seguridad de mi sincera estimacion con la que me repito de V. Señor Consul, su muy obediente servidor, que atento, B. S. M.

CIRIACO VASQUEZ.

M. BURROUGH,

*Sor Consul de los Estados Unidos de America.*

No. 25.

*The Commandant of Vera Cruz to Mr. Burrough.*

[TRANSLATION.]

VERA CRUZ, *November 8, 1836.*

DEAR SIR: As promised in my letter of the 5th instant, acknowledging the receipt of a communication from the commander of the United States sloop of war *Natchez*, which was remitted to me, through you, with your

own of the 4th, preceding, I have now the satisfaction to reply to it by stating that, it being evident your request was conceived in perfect consonance with that of the commander aforesaid; and that you also pretend to demand the delivery and release of eight mariners, who composed the crew of a boat belonging to said vessel, protesting, at the same time, against the judicial proceedings to which they were submitted; in order to bring to light the motives which have given rise to their imprisonment, I have, consequently, nothing to add, further than what I have this day said to the commander of the Natchez, in the enclosed answer, which, through the medium of your consulate, I have the honor to address to him; hoping that you will be pleased to inform him of its contents, considering the same as a reply to your own, and accepting, at the same time, the assurance of the sincere esteem which I repeat to you, Mr. Consul, as

Your very obedient

And attentive servant,

CIRIACO VASQUEZ.

To M. BURROUGH,

*The Consul of the United States of America.*

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No. 26.

*The Commandant of Vera Cruz to Mr. Burrough.*

VERA CRUZ, 8 de Noviembre de 1836.

MUY SÔR MIO: Lo tengo á V. manifestado, por mis ultimas dos cartas del 6 y 7 del actual, y ahora vuelvo á manifestarle en contestacion á su estimable de esta fecha, que al Sôr General Gomez, como comandante de la plaza, es á quien debe V. de ocurrir con sus instancias, ya sea para saber el punto donde esten presos sus paisanos, los ocho marineros de la corbeta de guerra Natchez, ó ya para comunicarse con ellos como tambien desea. Esto supuesto, y si V. no obstante de la franca y terminante contestacion que he dado á sus dos primeras cartas, y doy á su tercera de que me ocupo, insistió en que yo sea el que se las otorgue, tendré siempre el sentimiento de negarselos, para que no puedo invadir las atribuciones de otra autoridad, aun cuando sea dependiente de la mia, que es la superior en el departamento.

Desista V. pues de un empeño que no puede producir sino embarazos á sus objetos nobles, y en los cuales siento no complacerlo persuadido de que el Sôr Gomez atenderá sus instancias ó questiones conforme lo ecsijan sus deberes, para con la nacion y para con V. como consul de los Estados Unidos del Norte de America.

Esta ocasion me vuelve á proporcionar la satisfaccion de reproducir á V. las sinceras protestas con que soy su muy atento servidor Q. B. S. M.

CIRIACO VASQUEZ.

To Mr. BURROUGH,

*Sôr Consul de los Estados Unidos de America.*

No. 27.

*The Commandant of Vera Cruz to Mr. Burrough.*

[TRANSLATION.]

VERA CRUZ, November 8, 1836.

DEAR SIR: I have already declared, through my two last letters, of the 6th and 7th, and now repeat, in reply to your favor of this date, that General Gomez, as commander of the plaza, is the person to whom you should resort with your instances, whether it be to know the place where your countrymen, the eight mariners of the sloop of war Natchez, are imprisoned, or to communicate with them, as you also desire.

This fact being granted, if, notwithstanding the frank and unequivocal reply I have already made to your two first letters, and am now engaged in making to the third, you still insist that I am the functionary to whom you should address your petitions, I shall be under the disagreeable necessity of refusing them; because I cannot invade the attributes of another authority, although he may be dependant upon mine, who am the superior of the department.

Desist, then, sir, from an attempt which can be productive only of embarrassment to your noble objects, and in which I feel that you cannot but be pleased at being persuaded that Mr. Gomez will attend to your instances or questions conformably to his duties as prescribed towards the nation and towards you, as consul of the United States of North America.

This occasion affords me another opportunity of renewing to you, with pleasure, the assurance of the sincere regard with which I am,

Your very obedient servant,

CIRIACO VASQUEZ.

M. BURROUGH,

*Consul of the United States of America.*

No. 28.

*Mr. Burrough to the Commandant of Vera Cruz.*

CONSULATE UNITED STATES OF AMERICA AT VERA CRUZ,  
November 8, 1836, at 10 A. M.

SIR: I have the honor of your note of yesterday's date, in reply to my respects of the 6th and 7th instant, referring me for satisfaction to Señor General Gomez, commandant of the plaza, touching the subject-matter thereof.

Being persuaded that eight seamen, constituting a part of the naval force of the United States of America, and attached to the United States sloop of war Natchez, under the command of Master Commandant Mervine, are at this time detained by your authority as military commandant general of the State of Vera Cruz, I accordingly addressed you, as the only legitimate functionary by which I could be permitted an interview with the said seamen, but which you have not thought proper to grant.

I therefore, for the third and last time, from motives of humanity to the prisoners, address you on this subject; and, as consul of the United States

of America for the port of Vera Cruz, request an early reply, informing me whether, or not, I can be permitted an interview with the aforesaid seamen, citizens of the United States.

I have the honor to be, sir, most respectfully,

Your obedient servant,

M. BURROUGH.

TO CIRIACO VASQUEZ, Esq.,

*Military Commandant General of the Department of Vera Cruz.*

No. 29.

*The Commandant of Vera Cruz to Captain Mervine.*

VERA CRUZ, 8 de Noviembre de 1836.

MUY SÖR MIO: Segun el contenido de la apreciable de V. de 3 del corriente, las noticias de la ocurriencia del 2, entre los marineros de un bote de la corbeta de su mando, y la guardia del muelle de este puerto, le fueron a V. transmitidos por algun apasionado, que no habiendo usado de veracidad, ha hecho concebir á V. el concepto, de que dichos marineros no habian cometido un delito, sino una falta leve, en que tambien se incidió de nuestra parte, y que aquellos fueron atacados con armas de fuego y blancos, por la fuerza armada, y por la fraccion del pueblo que se ingerio en la contienda. Tan inexacto informe descubre la mala fé del que lo dio; pues es cosa publica y notoria, que los marineros hicieron resistencia y armas contra un soldado y un cabo de la guardia del muelle, que en cumplimiento de su primera deber se dirigieron hacia ellos, con el fin de hacerlos entrar en el orden; y la resistencia la hicieron en terminos tan energicos que para contenerlos, fue necesario nuevo auxilio de tropa, la qual, y no nadie del pueblo, concurrió con sus armas y con fuciles y sables que en todas partes usan los de su profesion.

Y no lo descubre menos el hecho de asegurar á V. que dichos marineros iban a ser asesinados, y que no fueron preso por la guardia del muelle, no se trato de otra cosa como en efecto se consiguió, bien que resultando contuso el cabo de la guardia que de contener los citados marineros que atacaban al orden, y de hacerlos deponer la actitud hostil que guardaban armados de bicheros, navajas, remos, y trozos de leña, y nadie sino el oficial de la guardia obrando por si y á instancias del consul de la nacion de V. fue quien los aprendió y puso á disposicion de la autoridad competente, no á la de la policía como falsamente se ha informado á V.

Rectificador los hechos del modo espuesto, conocerá V. que este no es un asunto leve, de reciproca caridad y olvido, aunque sea de mutuo pesar, pues entre amigos, entre naciones aliadas por solemnnes tratados de amistad y cordiales relaciones, siempre produce aquel sentimiento la perpetracion de atentados tan injustos y audacios como lo es el de los marineros de la corbeta del mando de V. Y conocera V. igualmente que con su prision y enjuiciamiento, no se falta á nadie, sino que se hace uso del derecho que tiene la nacion, para castigar á los que la ofendien asi como incontestablemente lo tienen todos los del universo.

Pretendo V. que la mia sea de peor condicion que las demas, y no tengo ese derecho que emana de el de su seguridad y soberania; para la cual y

para asentar que nadie puede castigar á los individuos del buque de su actual mando es preciso no atender absolutamente al código de las naciones. Tal inmunidad seria subversion del orden social y propia para tener al mundo in continua guerra. Recuerde V. los principios y doctrinas de aquel código universal, y se convencerá ó conocerá la legalidad de la jurisdicción de las naciones para castigar á los que las injurian y ofendan. Y aunque así no estuviera determinado por el esa jurisdicción, que dará incuestionablemente en la mia, por el derecho de retorción, pues en los Estados Unidos de America se han juzgado y sentenciado individuos pertenecientes á la armada naval y al ejército de esta republica, sin que al usarlo sedé motiva de queja, por aquel principio de que, lo que una nacion miria como justo para sí, debe parersele lo mismo para otra.

Los marineros de la corbeta del mando de V. al atacar injustamente y herir á los individuos del cuerpo de guardia del muelle que marchaban á hacerlos entrar en el orden de que habia salido por su altanería ó embriaguez, han incidido en un crimen grave, segun nuestras leyes. Estan juzgandose por la autoridad competente, como que sin embargo de loque V. dice es inconcusa la jurisdicción de la nacion. Y mientras no termine ese juicio, tengo el sentimiento de no poderlos consignar lisa y llenamente á V. Segun mi fide aunque confio en la sinceridad de la promesa de su castigo, si los hallara delincuentes; pues segun las leyes de esta republica, en mi no reside, ni la facultad de conceder indultos, ni la de dispensar el cumplimiento de aquellas sino por el contrario la de aplicarlos a los casos que ocurren.

Si como V. asegura, existen numerosas causas de desagrado entre ambos Gobiernos, el enjuiciamiento de los referidos marineros, contra que insiste V. fundado en falsos informes y equivocadas doctrinas, no puede servir de pábulo á ese desagrado ni aun cuando se solicitarán para ello se protestas, porque el Gobierno de V. es de masiado ilustrado para que ignore, lo que es la jurisdicción de las naciones, y que estas á nadie ofendan, cuando hacen uso de sus derechos perfectos; por lo mismo, mi lisongeo de que ese acto justo y arreglado, no será de la sensible y sombría influencia que V. animado sin duda de la mas sincera cordialidad, mi insinua con repetición, que dandome la pena de no haber podido obsequiar sus deseos relativos á la entrega de los referidos marineros.

Tengo la satisfaccion, con tal motivo, de ofrecer á V. toda mi consideracion, como su mas aficionado amigo y atento servidor.

Q. B. S. M.

CIRIACO VASQUEZ.

Sr. COMANDANTE DE LA CORBETA DE GUERRA  
de los Estados Unidos del Norte de America, "Natchez."

No. 30.

*The Commandant of Vera Cruz to Captain Mervinc.*

[TRANSLATION.]

VERA CRUZ, November 8, 1836.

DEAR SIR: From the tenor of your esteemed favor of the 3d instant, it is manifest the information given to you in relation to the occurrence of

the 2d, between the seamen of a boat belonging to the corvette under your command and the guard of the mole at this port, was communicated by some passionate person, who, not having spoken with veracity, has caused you to believe that the said seamen have not committed a crime, but a trifling fault, to which we have, on our part, contributed; and that they were attacked with fire-arms and swords, by the armed force, and a portion of the inhabitants of the place who joined in the contest. Such inexact information betrays the bad faith of him who gave it, since it is public and notorious that the seamen made an armed resistance against a soldier and corporal of the guard of the mole, who, in compliance with their first duty, hastened towards the seamen with the view of reducing them to order; but the energetic resistance which they made rendered it necessary, in order to quiet them, to call for additional troops, who alone (and none of the inhabitants) met them with arms, which were muskets and swords, the same as are used by men of their profession in all parts. Nor is this bad faith the less betrayed by the fact of your having been assured that the said seamen were about to be assassinated, and that they were not arrested by the guard of the mole; nothing else than their arrest was thought of, as, in effect, the object of the guard was thereby attained; and the corporal of the guard received a contusion in attempting to quiet the seamen who had been so disorderly, and in causing them to abandon the hostile attitude which they maintained, armed with boat-hooks, knives, oars, and pieces of wood. They were apprehended by the officer of the guard, acting of his own accord, who, at the instance of the consul of your nation, placed them at the disposition of the competent authority, and not at that of the police, as you have been falsely informed.

The facts being now put in their true light, you will see that this is not a trifling matter of reciprocal charity and forgetfulness, although it may be one of mutual regret; for, between friends, between nations allied by solemn treaties of amity and cordial relations, the perpetration of offences so unjust and audacious as that committed by the seamen of the corvette under your command, is always productive of that sentiment. And you will also see that, in their imprisonment and condemnation, there is no want of respect to any one, but that a proper use has been made of the nation's right to chastise those who offend against it—a right incontrovertibly possessed by every nation in the universe. Will you then pretend that mine is in a worse condition than all others, and does not possess the right, which emanates from its security and sovereignty, to chastise the individuals of the vessel under your command? If so, you cannot have fixed your mind upon the code of national law, for such an immunity would be a subversion of social order, and calculated to keep the world in continual war. Bear in mind the principles and doctrines of that universal code, and you will be convinced of the legality of the jurisdiction of nations to punish those who injure and offend them. But even admitting that it may not be thus determined by that code, such jurisdiction would unquestionably hold good with mine by the right of retaliation, since, in the United States of America, persons belonging to the navy and army of this republic have been tried and sentenced without there being any ground of complaint; as well as by the principle, that what one nation regards as just for itself, the same should be held as proper for another.

The seamen of the corvette under your command, by unjustly attacking and wounding members of the guard at the mole, who repaired thither for

the purpose of reducing them to that order which they had transgressed by their haughtiness or drunkenness, have been guilty of a heavy crime, according to our laws. They are now under trial before the competent authority, which is, notwithstanding what you say to the contrary, unquestionably within the jurisdiction of the nation; and until the cause is terminated, I shall be under the painful necessity of refusing to deliver up these men wholly and entirely, as you demand, although I confide in the sincerity of your promise to punish them if they should be found delinquent; inasmuch as, by the laws of this country, I have neither power to grant pardon, nor to dispense with their execution, but, on the contrary, am bound to see them applied in all cases that may occur.

If, as you assert, there exist a number of causes of complaint between the two Governments, the trial of the before-mentioned seamen, against which you protest, guided by false statements and equivocal doctrines, cannot serve to nourish that discontent, even if protests were solicited for the purpose; because your Government is too enlightened to be ignorant of what constitutes the jurisdiction of nations, and that offence cannot be taken by any other when they make use of their perfect rights. For this reason I flatter myself that this just and regular act will not be productive of that painful and gloomy influence which you insinuate, even with repetition, no doubt in entire sincerity; while I am pained at not being able to comply with your wishes touching the delivery of the seamen aforesaid.

With such a motive, I have the satisfaction of offering to you all my consideration, as your most affectionate friend and attentive servant,

CIRIACO VASQUEZ.

The COMMANDER

*Of the U. S. sloop of war Natchez.*

No. 31.

*Mr. Burrough to General Gomez.*

CONSULATE OF THE U. STATES OF AMERICA,  
Vera Cruz, Nov. 9, 1836—at  $\frac{1}{2}$  past 9, A. M.

SIR: In reply to your communication of yesterday, I beg to acquaint you that I do not acknowledge the jurisdiction of a military tribunal over my countrymen; and that, even if such a monstrous principle could be admitted, I should still, as consul of the United States, be bound, *ex officio*, to protect and defend them, and to see that justice was impartially rendered them—a circumstance that alone precludes my appearing as a witness against them.

But I have a still stronger objection to urge; and it is, that, having referred the whole matter to the consideration of the chargé d'affaires for the United States, in Mexico, I do not feel authorized to take any further step whatever therein, until I receive his advice and instructions.

I have the honor to be, sir,

Respectfully, your obedient servant,

M. BURROUGH.

To GEN. GREGORIO GOMEZ,

*Commander of the Plaza of Vera Cruz.*



No. 32.

*Mr. Burrough to Mr. Ellis.*CONSULATE OF UNITED STATES OF AMERICA,  
*At Vera Cruz, November 12, 1836.*

SIR: Having received nothing from you by the two last mails, I am fearful that my letters have miscarried; or, at least, the one under date of the 2d instant, conveying to you intelligence of the occurrence at this place on that day between the Mexican soldiery and the boat's crew of the United States ship Natchez.

Affairs in relation to the prisoners remain as when I last had the honor to address you on the subject. The authorities have had no further conference with me, *pro* or *con*. I have been informed, indirectly, that *four* of the seamen are confined in the hospital; two of whom have been at the point of death from the bayonet wounds received. It is also stated, that the other two were this day examined by the military authorities, touching the facts of charges alleged. The result of their examination, or of the state and condition of the others, I have not been able to learn.

If the Government of the United States can bear all that has recently transpired at this port, in the way of aggressions and outrages on its flag and citizens, I wish no longer to have my life jeopardized by a residence in this country. And I do contend, that, unless some decisive measures are adopted by your Government, in justice to the rights and liberties of her citizens in Mexico, our lives can scarcely be preserved. But so long as I remain charged with the interests of my brethren at Vera Cruz, my duty shall be done, let consequences be what they may; and if I fall, it will be in a just and virtuous cause.

I have the honor to be, sir,

Most respectfully, your obedient servant,

**M. BURROUGH.**

To Hon. POWHATAN ELLIS,  
*Chargé d'Affaires United States of America, Mexico.*

No. 33.

*Mr. Burrough to Mr. Ellis.*CONSULATE OF UNITED STATES OF AMERICA,  
*At Vera Cruz, November 14, 1836.*

SIR: I have nothing to communicate in regard to the American seamen imprisoned at this city, further than that I yesterday received a letter, signed by *four* of them in an hospital of this town, stating that they were, on Saturday, taken out and examined by the authorities. They request me to call and see them, but, as yet, no permission has been granted me to visit them; and whether I shall be permitted to have an interview with any of them, remains yet to be ascertained.

I have the honor to be, sir,

Most respectfully, your obedient servant,

**M. BURROUGH.**

Hon. POWHATAN ELLIS,  
*Chargé d'Affaires United States of America, Mexico.*

No. 34.

*Mr. Ellis to Mr. Burrough.*LEGATION OF THE UNITED STATES OF AMERICA,  
*Mexico, November 15, 1836.*

SIR: Your letter of the 10th instant, with the accompanying documents in relation to the seamen of the United States ship Natchez, reached me last evening; and, on their examination, I was struck with amazement to find that General Gregorio Gomez had been appointed to the command of the plaza at Vera Cruz, after his dismissal from the service for improper conduct to American officers at Santa Anna de Tamaulipas. In the present age, such an instance of puny faith is not to be found in the history of any civilized nation on earth. I will not make further comment on this extraordinary and reckless act on the part of this Government. The day of retribution will come, and a heavy one it will be for the people of Mexico.

I shall do all in my power to procure the release of the American seamen now held in confinement by the arbitrary acts of the authorities at Vera Cruz; and will, as early as possible, advise you of the result.

With great respect,

Your obedient servant,

POWHATAN ELLIS.

To M. BURROUGH, Esq.,  
*United States Consul, Vera Cruz.*

No. 35.

*Mr. Ellis to Mr. Monasterio.*LEGATION OF THE UNITED STATES OF AMERICA.  
*Mexico, November 16, 1836.*

The undersigned, chargé d'affaires of the United States of America, has the honor to make known to your excellency that, on the 2d instant, a boat and eight men, under the command of Midshipman Renshaw, left the United States sloop of war Natchez, then at anchor off Sacrificios, and landed on the mole in the city of Vera Cruz. During the absence of this officer, who had orders to see the consul of the United States at that place, the crew became intoxicated, and one of them unfortunately got into a quarrel with a fisherman on the mole. The guard at the gate repaired to the scene of contention, and with arms fell upon the sailor. The rest of the crew hastened to his assistance, but were ultimately driven into their boat, with the exception of two of them, who were so badly wounded that they could not retire. At this moment, Midshipman Renshaw arrived. The wind being high, and the sailors incapable of working the boat, he, on the advice of the consul, requested the captain of the port to receive them in charge, until they were called for on the succeeding day. The wounded were taken to the hospital. The day following, the consul of the United States demanded that the men should be delivered to the officer in command of the boat; but this was wholly refused; and up to this period, they are detained in close confinement, and the consul (whose duty it is to provide for their comfort) is not permitted to see them. From the information

received in relation to this unpleasant occurrence, it cannot be ascertained whether the seaman or the fisherman was to blame in the first instance; but, there can be no doubt, the men acted in self-defence when the armed soldiery proceeded to attack them with bayonets and cutlasses, until they were driven into their boat. While in this defenceless situation, some of them weltering in their blood, the Mexican soldiers, at the instance of an officer who had furnished them with cartridges, were in the act of firing a volley of musketry into the boat, when their intention was defeated by the timely interference of the captain of the port, whose humane conduct on that occasion, saved the lives of the officer and crew. If the seaman was the aggressor, still, it is believed, this will not present such a case as to warrant the interposition of an armed guard to attack a drunken and defenceless man, whose life was put in imminent danger by the assailants. That the balance of the boat's crew, animated by those generous feelings which always exist among men in their condition of life, should throw themselves between the bayonets of the Mexican soldiers and their shipmate, whose life was thus placed in jeopardy, deserves admiration and praise, rather than chains and punishment. There is no evidence of a fixed design to treat with disrespect this Government, or the authorities of Vera Cruz. The undersigned cannot refrain from expressing his surprise, that an officer bearing a commission of this Government should have considered it any portion of his duty to instigate his men to fire upon unarmed American citizens, situated as they were; and much less could he have supposed that the authorities at Vera Cruz would, under all the circumstances of the case, incarcerate them with a view to their punishment under the municipal laws of Mexico. It is now a well understood principle of national law, that a public armed vessel of a foreign power, visiting the ports of a country with whom her Government is at peace, and conducting herself in a friendly manner, is exempt from the jurisdiction of such country; for the very obvious reason, that the municipal law of one country cannot change the law of nations so as to bind the citizens and subjects of another country. Whenever these antagonistic principles come in opposition to each other, the latter must prevail over the first. If it were otherwise, that good understanding among all nations, so necessary to promote harmony and concord in their intercourse with each other, could not be preserved. The undersigned will further remark, that the seamen in question were handed over to the captain of the port with the express understanding that they were to be returned on the succeeding day. Under this agreement, he conceives, no just reason can be urged for their detention at this time. He has, therefore, no hesitation in requesting your excellency that, if the facts be found as herein stated, you will cause the seamen aforesaid to be delivered to the commander of the United States sloop of war Natchez, or to the consul of the United States at Vera Cruz; and if the officer of the guard shall prove culpable in instigating his men to the commission of the acts as detailed, he may be visited with merited punishment.

The undersigned avails himself of this opportunity to renew to your excellency the assurance of his very distinguished consideration.

POWHATAN ELLIS.

To His Excellency JOSE MARIA ORTIZ MONASTERIO,  
*Acting Minister of Foreign Affairs.*

No. 36.

*Mr. Burrough to Mr. Ellis.*

CONSULATE OF THE UNITED STATES OF AMERICA,  
*Vera Cruz, November 19, 1836.*

SIR: By this morning's mail I had the honor of your letter of the 15th instant, advising that my respects of the 10th, with its accompaniments, had reached you.

The American seamen are yet in confinement, and no overtures made on the part of the authorities of this Government to enable me to visit them; nor has any communication been received in relation to them since I last addressed you in their behalf, and for which I am willing to give the credit to General Gregorio Gomez, the military commandant of the plaza of Vera Cruz.

Enclosed I hand you copies of two notes received from the prisoners, and whom I shall make, perhaps, another effort to see in the course of a day or two, in case they are not released. I have sent them a little money, through the bearers of the two notes, but am apprehensive it has not been received.

Concluding my remarks on the subject of said seamen, citizens of the United States, I can but assure you that nothing on my part shall be wanting to the end that they may be released and protected from oppression.

I have the honor to be, sir,

Most respectfully,

Your obedient servant,

**M. BURROUGH.**

To the Hon. POWHATAN ELLIS,

*Chargé d'Affaires United States of America, Mexico.*

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No. 37.

*The American seamen to Mr. Burrough.*

VERA CRUZ HOSPITAL,  
*November 14, 1836.*

RESPECTED SIR: We were informed by a gentleman who examined us yesterday, that our ship had sailed from this port a few days ago, and that we were left under your protection. If such is the case, we should feel much obliged if you would make it convenient to call here and see us, as we stand much in need of your advice at present.

We remain, sir,

Your humble servants,

HENRY HORIST,  
 JAMES HOOVER,  
 SAMUEL LONG,  
 R. FREEMAN.

To the AMERICAN CONSUL, *Vera Cruz.*

No. 38.

*The American seamen to Mr. Burrough.*

VERA CRUZ PRISON, November 19, 1836.

RESPECTED SIR: As we have been discharged from the hospital, and are all here in prison, we beg leave to inform you that we are much in want of tobacco, and that we are not allowed a sufficient quantity of food; in consequence of which, those that have been in prison all the time are getting sick, and will be obliged to go to the hospital. We should feel much obliged if you would so far interest yourself in our behalf as to get us out of here; and, if convenient, we should feel thankful by your calling here.

We are, respectfully, sir,

Your humble servants,

NATHANIEL GROVES,  
SAMUEL MOULDING,  
SAMUEL LONG,  
JOHN WILLIAMS,  
JOHN DAVIS,  
JAMES HOOPER.

No. 39.

*Mr. Burrough to Mr. Ellis.*

CONSULATE OF THE UNITED STATES OF AMERICA,

Vera Cruz, November 24, 1836.

SIR: I beg to advise you that General Antonio Castro, the military commandant general of this department, did me the honor to call at my office to-day, and stated, that having received instructions from the Supreme Government in regard to the seamen of the United States ship Natchez detained in this city, he should issue an order for their liberation, and they would be delivered to my charge.

The said mariners have not, as yet, appeared; but they will probably, according to promise, be presented at this consulate in the course of to-morrow. I shall take charge of them, and dispose of them, as I heretofore informed you.

I have the honor to be, sir,

Most respectfully, your obedient servant,

M. BURROUGH.

The Hon. POWHATAN ELLIS,

*Chargé d'Affaires of U. S. America, at Mexico.*

No. 40.

*Mr. Burrough to Mr. Ellis.*

CONSULATE OF THE UNITED STATES OF AMERICA,

Vera Cruz, November 26, 1836.

SIR: I have the gratification to inform you that the eight American seamen belonging to the United States ship Natchez, and who have been

detained in prison by the authorities of the Mexican Government at this city for the period of twenty-three days, were yesterday delivered to my charge by the commandant of this plaza.

Enclosed, I transmit copies of letters on the subject of their liberation.

I have the honor to be, sir,

Most respectfully, your obedient servant,

M. BURROUGH.

HON. POWHATAN ELLIS,

*Chargé d'Affaires of U. S. America, at Mexico.*

No. 41.

*The Commandant of Vera Cruz to Mr. Burrough.*

COMMANDANCÍA GENERAL DEL DEPARTAMENTO DE VERA CRUZ,  
*Vera Cruz, Novembre 24 del 1836.*

Hoy he dado la orden correspondiente al Sôr comandante militar de esta plaza, para que mande entregar á V. los ocho marineros pertenecientes a la corbeta de guerra Americana, Natchez, contra quienes se instruyó causa á consecuencia de la uña que tubieron con algunos ciudadanos Mexicanos, y por la resistencia que hicieron á la tropa de la guardia del muelle; esperando que conforme se servió V. significarme en la conferencia que ambos tubimos en la mañana de este dia, se castigaran por las autoridades competentes de su nacion con arreglo á las leyes que en ella regen, y con presencia del delito que comitieron en esta republica.

Con este motivo, Sr. consul, tengo la honra de ofrecer á V. respetuosamente mis consideraciones y atencion.

Dios y libertad.

ANTONIO DE CASTRO.

Sr. CONSUL

*de los Estados Unidos de Norte America.*

No. 42.

*The Commandant of Vera Cruz to Mr. Burrough.*

[TRANSLATION.]

COMMANDANCY GENERAL OF THE DEPARTMENT OF VERA CRUZ,  
*Vera Cruz, November 24, 1836.*

-I have this day given a suitable order to the military commandant of this plaza, directing him to deliver over to you the eight mariners belonging to the American sloop of war Natchez, against whom a prosecution was instituted, in consequence of the quarrel which they had with certain Mexican citizens, and of the resistance which they made to the guard of the mole; hoping that, in conformity with what you were pleased to signify to me in

the conference which we held this morning, they may be chastised by the competent authorities of their own nation, according to the laws which there exist, and in a manner corresponding to the crime which they have committed in this republic.

With this motive, Mr. Consul, I have the honor to offer to you, respectfully, my consideration and esteem. God and liberty.

ANTONIO DE CASTRO.

The Consul of the U. S. of North America.

No. 43.

*Mr. Burrough to the Commandant of Vera Cruz.*

CONSULATE OF THE UNITED STATES OF AMERICA,  
Vera Cruz, November 25, 1836.

SIR: I am honored with your letter of yesterday, and by which I am informed that an order has been passed to the commandant of this plaza, in virtue of which the eight seamen belonging to the United States ship Natchez, detained by the authorities of this Government, under the accusation of infringing the laws of the Mexican republic, in a conflict with citizens of the country, and for resisting the military guard at the mole, [are released.]

In pursuance of your command, seven of the said seamen were delivered at this consulate, at the hour of 11 o'clock this day; since which, the other has presented himself, and who it appears was detained by illness in the hospital.

Responding to that part of your letter by which you apparently enjoin it as a condition of the liberation of the aforementioned seamen, that they be chastised by the competent authority of my Government, in accordance with the laws of the United States, I have the honor to state, that a communication on that subject from the commander of the United States ship Natchez, under cover of a note from this consulate, bearing date the 4th November, has already been made to the then military commandant general of this department, in which the said commander refers to a letter of previous date, addressed to the aforesaid authority, expressive of his profound regret at the unfortunate occurrence of the 2d instant, and wherein he assures the incumbent of office, "that if, on inquiry, the provocation should appear to have originated from the American seamen, the offenders should receive condign punishment;" and there is no reason to doubt the good faith of Captain Mervine, commander of the United States ship Natchez. But as this consulate is in possession of no testimony that the said American seamen are delinquents, the reverse being proven, and by ample testimony, that they were wantonly attacked and unmercifully beaten and wounded by the military guard and other assailants at the mole of this city on the morning of the 2d instant; and, unless some proof, at least, be adduced that they, the said seamen, were the aggressors, I am constrained to express my disapprobation of the justice of your requisition regarding their chastisement.

Having already protested against the unjust and arbitrary detention of said American seamen, I now solemnly protest against the inquisitorial proceeding, or trial, instituted against them by your predecessor in office, du-

ring which, I, as consul of the United States, and *ex officio* their natural guardian and protector, was excluded all communication with them, my suffering countrymen, notwithstanding I made three several and distinct applications for liberty to communicate with them, and, if necessary, to minister to their comfort.

I have the honor to be,

With high consideration of personal respect,

Your obedient servant,

M. BURROUGH.

To ANTONIO CASTRO, Esq.,

*Military Commandant General of the Department of Vera Cruz.*

No. 44.

*Mr. Monasterio to Mr. Ellis.*

PALACIO DEL GOBIERNO NACIONAL,

*Mexico, 2 de Diciembre de 1836.*

El infrascrito, oficial mayor 1º encargado de la Secretaria de Relaciones, tiene el honor de transmitir al Hon. Señor Powhatan Ellis copia de una comunicacion del Ministerio de la Guerra, relativa á haberse entregado al consul de los Estados Unidos en Vera Cruz, á los marineros de la goleta Americana Natchez, que fueron detenidos por la uña que tubieron en el muelle de aquel puerto.

El que subscribe, al poner este documento en conocimiento del Hon. Señor Powhatan Ellis, como resultado de su nota relativa al asunto, le reproduce las protestas de su muy distinguida consideracion y aprecio.

JOSE MARIA ORTIZ MONASTERIO.

Al Hon. Señor POWHATAN ELLIS,

*Encargado de Negocios de los Estados Unidos de America.*

No. 45.

*Mr. Monasterio to Mr. Ellis.*

[TRANSLATION.]

PALACE OF THE NATIONAL GOVERNMENT,

*Mexico, December 2, 1836.*

The undersigned, acting Minister of Foreign Affairs, has the honor to transmit to the Honorable Powhatan Ellis a copy of a communication from the Department of War, relative to the delivery to the consul of the United States in Vera Cruz of the seamen of the American sloop of war Natchez, who were imprisoned on account of the quarrel in which they were engaged on the mole of that port.

The undersigned, while transmitting this document to the Honorable Powhatan Ellis, as the result of his note upon this subject, renews to him the assurance of his very distinguished consideration and esteem.

JOSE MARIA ORTIZ MONASTERIO.

To the Honorable POWHATAN ELLIS,

*Chargé d'Affaires of the United States of America.*



• No. 46.

*Mr. Tornel to Mr. Monasterio.*

SECRETARÍA DE GUERRA Y MARINA—Sección 3, mesa 1, número 718.

COMANDANCÍA GENERAL DEL DEPARTAMENTO DE VERA CRUZ,  
Vera Cruz, 24 de Noviembre de 1836.

ESCELENTÍSIMO SOR: Consecuente á la superior nota de V. E. de 19 del actual, subsanadas algunas dificultades que embarazaban la conclusion de la sumaria formada sobre la uña promovida por varios marineros de la corbeta Americana de guerra Natchez, vistos los meritos que ministran sus instructivas, y obsequiando los deseos del Supremo Gobierno, hoy ha sido terminado el asunto en cuestion, dejando bien puesto el decoro nacional, y entregados á disposicion del consul de los Estados Unidos del norte los indicados marineros, que por efecto de su ignorancia y demasias, dieron lugar á las providencias que ellos mismos provocaron; habiendo ofrecido aquel funcionario que al remitirlos en el primer buque que se proporcioné, los recomandara á quien correspondiera, para que sufren el castigo condigno á sus excesos; y al tener el honor de decirlo á V. E. en contestacion lo tengo tambien en reproducirle ambas protestas de mi respectiva consideracion.

Dios y libertad.

ANTONIO DE CASTRO.

No. 47.

*Mr. Tornel to Mr. Monasterio.*

[TRANSLATION.]

DEPARTMENT OF WAR AND MARINE:

COMMANDANCY GENERAL OF THE DEPARTMENT OF VERA CRUZ,  
Vera Cruz, November 24, 1836.

EXCELLENT SIR: In consequence of the superior note of your excellency, of the 19th instant, some difficulties which embarrassed the termination of the preparatory proceedings instituted upon the quarrel moved by sundry sailors of the American sloop of war Natchez having been removed, seeing the merits which sustain those instructions, and following the desires of the Supreme Government, I have this day closed the subject in question, (leaving uncompromitted the national decorum,) by delivering over to the disposition of the consul of the United States of the north the said mariners, who, by their ignorance and excesses, rendered themselves liable to proceedings which they themselves provoked—that functionary having promised that he would send them, by the first vessel that offered, to the proper authority, to whom he would recommend that they should receive condign punishment for their offences. And in doing myself the honor to communicate this to your excellency, in reply to your note aforesaid, I have also that of renewing to your excellency the assurance of my respectful consideration.

God and liberty.

ANTONIO DE CASTRO.

His Excellency the MINISTER OF WAR AND MARINE.

No. 48.

*Mr. Ellis to Mr. Burrough.—Extract.*

LEGATION OF THE UNITED STATES OF AMERICA,  
*Mexico, December 3, 1836.*

SIR: I am exceedingly gratified to learn that the American seamen have been discharged, and trust that you may soon have an opportunity to send them to Pensacola.

With great respect, your most obedient servant,  
**POWHATAN ELLIS.**

M. BURROUGH, Esq.,  
*United States Consul, Vera Cruz.*

No. 49.

*Mr. Monasterio to Mr. Ellis.*

PALACIO DEL GOBIERNO NACIONAL,  
*Méjico, 6 de Diciembre de 1836.*

El infrascrito, oficial mayor 1º encargado del despacho de la Secretaría de Relaciones, tiene el honor de dirigir adjunta al Hon. Sr. Powhatan Ellis, copia de una nueva comunicacion que he recibido del Ministerio de la Guerra, sobre la entrega hecha al consul de los Estados Unidos en Vera Cruz, de los marineros de la corbeta de guerra de aquella nacion llamada Natchez; y con tal motivo, el que suscribe reproduce á su señoría las protestas de su muy distinguida consideracion y aprecio.

**JOSE MARIA ORTIZ MONASTERIO.**

Al Hon. Sr. POWHATAN ELLIS,  
*Encargado de Negocios de los Estados Unidos de America.*

No. 50.

*Mr. Monasterio to Mr. Ellis.*

[TRANSLATION.]

PALACE OF THE NATIONAL GOVERNMENT,  
*Mexico, December 6, 1836.*

The undersigned, acting Minister of Foreign Affairs, has the honor to enclose, herewith, to the Hon. Powhatan Ellis, a copy of another communication which he has received from the Department of War, upon the delivery made to the consul of the United States in Vera Cruz of the eight mariners belonging to the sloop of war of that nation called the Natchez; and thereupon renews to him the assurances of his very distinguished consideration and esteem.

**JOSE MARIA ORTIZ MONASTERIO.**

To the Hon. POWHATAN ELLIS,  
*Chargé d'Affaires of the United States of America.*

No. 51.

*Mr. Tornel to Mr. Monasterio.*SECRETARIA DE GUERRA Y MARINA,  
*Mejico, 2 de Diciembre de 1836.*

Con fecha de 26 de Noviembre proximo pasado, me dice el Señor comandante general de Vera Cruz lo siguiente :

ESCELENTISIMO SENOR: Habiendo prevenido el Señor comandante militar de esta plaza, entregará al consul de los Estados Unidos del norte los ocho marineros pertenecientes á la corbeta de guerra de aquella nacion la *Natchez*, como lo participé á V. E. en oficio numero 718, de 24 del actual, mi me dice con fecha 25 del mismo, lo que copio :

"En debido cumplimiento de lo decretado por V. S. en la sumaria instruida contra los marineros de la corbeta de guerra Americana *Natchez*, acusados de haber hecho armas contra la tropa de la guardia del muelle, segun la nota de V. S. fecha de ayer, quedan entregados los referidos ocho marineros al consul de su nacion en este puerto, por medio de uno de los ayudantes de la plaza, que al efecto comisioné ; y tengo el honor de participarlo á V. S. en contestacion."

Y lo transcribo á V. E. para su conocimiento, y el del E. Sr. Presidente interino, á quien se servira manifestarle quedar terminado aquel negocio.

De orden de S. E. lo insierto á V. S. para su inteligencia y fines que convengan.

Dios y libertad.

TORNEL.

Sr. OFICIAL MAYOR, *encargado de la Secretaría de Relaciones.*

Es copia. MEJICO, 6 de Diciembre de 1836.

JOSE MARIA ORTIZ MONASTERIO.

No. 52.

*Mr. Tornel to Mr. Monasterio.*

[TRANSLATION.]

DEPARTMENT OF WAR AND MARINE,  
*Mexico, December 2, 1836.*

Under date of the 26th of November last past, the commandant general of Vera Cruz addressed me as follows :

EXCELLENT SIR: Provision having been made by the military commandant of this plaza for delivering to the consul of the United States of the north the eight seamen belonging to the sloop of war of that nation, the *Natchez*, as your excellency was advised in my official note, No. 718, of the 24th instant, the said commandant, under date of the 25th of the same month, thus reports to me : "In due fulfilment of the decree issued by

your excellency, embracing a summary of instructions about the seamen of the American sloop of war Natchez, accused of having drawn arms upon the guard of the mole, according to your note of yesterday, the eight mariners referred to have been delivered over to the consul of their nation in this port, through one of the adjutants of the plaza, as he was by me commissioned to do. And I have the honor to announce the same to your excellency, in reply to your note aforesaid. And I remit it to your excellency, for your information and that of the excellent President *ad interim*, to whom you will be pleased to say that this business is now terminated.

By order of his excellency I enclose it to you for your information, and such purpose as you may deem fit.

God and liberty.

The ACTING MINISTER OF FOREIGN AFFAIRS.

TORNEL,

Copy : MEXICO, *December 6, 1836.*

JOSE MARIA ORTIZ MONASTERIO.

No. 53.

*Mr. Ellis to Mr. Forsyth.*

LEGATION OF THE UNITED STATES OF AMERICA,  
*Mexico, December 22, 1836.*

SIR : I have the honor, herewith, to enclose the balance of the correspondence between the acting Minister of Foreign Affairs for the Mexican republic and myself, which led to the demand of my passports.

I am, with the greatest respect,

Your most obedient servant,

POWHATAN ELLIS.

HON. JOHN FORSYTH,  
*Secretary of State, Washington City.*

No. 54.

*Mr. Monasterio to Mr. Ellis.*

PALACIO DEL GOBIERNO NACIONAL,  
*Mejico, 15 de Noviembre de 1836.*

El infrascrito, oficial mayor 1º de Secretaría de Relaciones, encargado de su despacho, ha manifestado al Hon. Señor Powhatan Ellis, por su carta confidencial de 3 de Octubre anterior, y por su nota de oficio de 23 del mismo, que para contestar la de su señoría de 26 de Setiembre en que espone varios reclamos de parte de los Estados Unidos de America, contra el Gobierno de Mejico, necesitaba reunir todos los datos necesarios ; algunos de los cuales se han pedido á diversas autoridades y oficinas, tanto de esta capital como de fuera de ella, por no existir en la Secretaría de Relaciones ; mas ahora, con los que tiene á la vista, el infrascrito se apresura

á responder dicha nota, aunque no sea sobre todos y cada uno de los puntos que contiene, cediéndola á las instancias del Señor Ellis y para darle una prueba de que la administración suprema de la republica no se desentiende de esos negocios, y de que no hay omisión tan poco por parte del ministerio para darlas debidas esplicaciones.

Antes de entrar en materia, el infrascrito creé que debe fijar una base preliminar, para la mas facil inteligencia de su respuesta á cada uno de los cargos que contiene la nota del Hon. Señor Powhatan Ellis. El arto 14 del tratado de amistad, navegacion, y comercio, celebrado entre esta republica y los Estados Unidos de America, establece que ambos Gobiernos concederan su especial proteccion á las personas y propiedades de los ciudadanos de cada una de las dos naciones respectivamente; "dejandoles abiertos y libres los tribunales de justicia para sus recursos judiciales, de la misma manera que es uso y costumbre con los nacionales ó ciudadanos del pais en que residan; á cuyo efecto podran emplear en defensa de sus derechos los abogados, procuradores, escribanos, agentes y factores que juzguesen á proposito en todos sus juicios," &c., &c., y asi es que por el tenor de ese parrafo se advierte con toda claridad, que esa proteccion se limita á cuidar de que se les atienda por esos mismos tribunales cuyo acceso tienen expedito, y que las leyes del pais se observan respecto de ellos con la debida imparcialidad; pero dejando los que por si propios geren sus asuntos, entablen y agiten los ocursoos que les convengan, sin entrometerse los Gobiernos respectivos de una manera directa en estos, que en algunos casos aun podria perjudicarles. Por el mismo principio, todos aquellos reclamos que tienen por objeto operaciones de los empleados de aduanas en cumplimiento de las leyes de Hacienda, por abusos que en estos haya podido haber, no corresponden en manera alguna al Ejecutivo de la republica sino que deben ventilarse en los tribunales, de distrito y de circuito y en la corte suprema de justicia siguiendo el orden de recursos que las leyes establecen, sin hacerlos materias de contestaciones diplomaticas, mientras no se haya negado á los interesados las vias legales que se á abren los Mejicanos, pero sin pretender tampoco otros derechos que aquellos de que estos gozan, pues no puede haber dos legislaciones diversas para los nacionales y estrangeros; y estos, todo lo que pueden reclamar en virtud de los tratados, es que se les juzgue por las mismas leyes y por los mismos tribunales que á aquellos. Esta observacion la asienta el infrascrito por que advierte que en general los reclamos que contiene la nota de que se ocupa, son contraidos á negocios de particulares cuya secuela y conclusion, es del resorte del poder judicial de la republica; y en tal virtud, dejando su aplicacion á los puntos que conviene, para contestarlos, siguiendo el orden en que los coloca el Señor encargado de negocios de los Estados Unidos.

El primo relativo á lo ocurrido en Tabasco con el cargamento de la goleta Americana Northampton, y heridas que se inficieron al piloto de ella, es del todo desconocido al Ministerio de Relaciones, y asi es que en virtud del relato que hace el Hon. Señor Ellis, se han pedido ya los informes respectivos á fin de dictar en su vista las providencias conducentes.

Las quejas del ciudadano de los Estados Unidos de America, Juan Baldwin, contra los autoridades de Guozacoalcos, es el segundo asunto que trata la nota del Hon. Señor Powhatan Ellis; y examinando el espediente de la materia resulta: que cualesquiera que sean los agravios que se le hayan inferido, y las arbitrariedades de dichas autoridades, el interesado debió pedir la reparacion de estas, y el castigo de aquellos ante los tribunales respectivos, cuya accion le

estaba espedita como á todos los nacionales y extranjeros. Sin embargo, como se entendia en sus asuntos con el Señor encargado de negocios de su nacion, quien los transmitia al ministerio del cargo del infrascrito, el Gobierno Supremo tomó en ello la parte que le correspondia? Que cargo puede resultarle por que acaso hasta ahora no se hayan terminado en los juzgados respectivos las causas promovidas contra Mr. Baldwin, siendo asi que constantemente ha hecho cuanto cabia en sus facultades, que era insistir á las autoridades para que se le administrase pronta y cumplida justicia poniendose en claro los hechos de que se quejaba, y que se castigasen á los que resultasen culpables? Esta es toda la intervencion que el supremo poder ejecutivo tiene en asuntos de esta clase; y la independencia en que esta colocado con el judicial, le atraesia una grande responsabilidad sin procediese de otra manera, para aplicar por si mismo las leyes. En la legacion que es á cargo del Honorable Señor P. Ellis, existen muchos datos que comprueban que el Gobierno del infrascrito ha llenado sus deberes con respecto á Mr. Baldwin, pues las repetidas ordenes que libró al Gobierno del Estado hoy Departamento de Vera Cruz dan á conocer que jamas descuidó la obligacion en que se halla, de dar la debida proteccion á todos los habitantes de la republica sin traspasar, no obstante por atenderles los limites que las leyes le señalan.

No puede omitir el infrascrito, antes de dejar este punto, que la conducta del espresado Baldwin no ha sido tan circunspecta y arreglada como manifestaba en sus escritos, pues se habian intendado contra el seis causas criminales en el juzgado de Acayucan, y habia otras quejas sobre sus procedimientos, segun el informe del comisionado en Goazacoalcos que se puso con oportunidad en conocimiento de la legacion de los Estados Unidos; y asi es que, aunque el Supremo Gobierno Mejicano hubiese podido intervenir mas directamente en estos asuntos, llevado del deseo de evitar al interesado sus padecimientos el curso mismo que tomaban aquellos en los tribunales se le habia impedido; y fundandose en estos principios, el Ministerio rebatió la idea que el Señor Don Antonio Butler indicó, en nota de 6 de Setiembre de 1833, relativa á que el caso de Mr. Baldwin, se trataria como cuestion nacional entre los Estados Unidos y Mejico, pues no podia tomar ese caracter la de un particular, esencialmente del resorte de la justicia in cual habia hecho el Gobierno cuanto estaba en su deber y facultades, y mucho menos cuando habia datos poco favorables con respecto al interesado. El punto pues, bajo que debe verse actualmente el negocio en cuestion es el de si, el Gobierno Supremo le ha concedido, ó nó, la atencion y proteccion debida; y estando demostrado asi por esta sencilla esposicion, como por los documentos que existen en el poder del Honorable Señor Ellis, que ha sido lo primero, queda desvanecido todo cargo que pudiera hacercelo; mas para dar una nueva prueba del deseo que siempre le ha animado por la terminacion pronta y felix para el Señor Baldwin, de este asunto, dirige una excitacion enérgica á la autoridad que corresponde á fin de que si aun tubiese aquel juicio pendiente, se le imparta justicia con la imparcialidad y prontitud correspondiente.

Los documentos que existen en la Secretaría del cargo del infrascrito no son bastantes para formar una cabal idea del asunto relativo á la ocupacion de la goleta Americana Topaz, por las autoridades Mejicanas, para conducir tropas de Matamoras á Galvezton; y por lo mismo se han pedido al Ministerio de la Guerra, donde deben existir aquellos datos; mas por los que tiene á la vista el que subscribe, se deduce que el citado buque fué

fletado por el comandante de Anahuac, para la conduccion de dichas tropas y que en su traversia, los marineros queriendo apoderarse del dinero que iba á bordo, formaron el plan de asesinar á los Mejicanos que conducia la goleta, hechar esta á pique y largarse en los botes. En efecto, despues de anejar al aqua, al Capitan Ryder y teniendo á la tropa en la bodega, iban ya asesinar á dos oficiales de esta republica, cuando escapando uno de ellos, dio la alarma, la tropa rompió las escotillas, asaltó á los autores del motin, hirio al piloto, que era el cabecilla, y aseguró á los demas que fueron juzgados; y aunque los atentadas de la tripulacion fueron atribuidos por ella á los soldados Mejicanos, dos capitanes de otros buques de los Estados Unidos que llegaron posteriormente á Anahuac y que creyeron de su deber averiguar el caso, lo decidieron contra los marineros, por haber encontrado su testimonio contradictorio. Si los sucesos han pasado asi, ya se ve claramente que no puede hacerse cargo alguno á Mejico por la muerte del capitan y piloto de la Topáz; pero el infrascrito examinara con atencion los documentos que ha pedido para fijar esos hechos y el relativo á la detencion de la goleta de que se trata.

En cuanto al asunto de la goleta Brazoria, consta del expediente respectivo que por el mal estado en que se hallaba en el puerto de Vera Cruz, el año de 1833, se dispuso su venta; mas como al arriarlo, el comandante de aquel departamento de marina al Supremo Gobierno le manifestase que no tenia, ni habia podido adquirir noticia oficial de si dicho buque correspondia, ó nó, á la armada nacional, y que solo habia oido decir que era de la propiedad de un ciudadano de los Estados Unidos, á quien los colonos de Austin lo pidieron en auxilio para trasportar tropas de Galvezton á Matamoras, y que el dueño lo abandonó con protesta de daños y perjuicios, se le previno por el Ministerio de la Guerra, que tanto el producto de la venta, si llegaba á efectuarse, como lo que importase el uso que se habia hecho del buque, se depositase en la tesorería del mismo departamento de marina, para resarcir al interesado de los daños y perjuicios que hubiese sufrido; á cuyo fin se le recomendó tambien, que con toda eficacia investigara quien era el dueño de la goleta; y asi es que, si este hubiese presentado su demanda como correspondia, habria tenido efecto desde entonces la disposicion que el Supremo Gobierno dictó á su favor, sin que hubiese reclamacion alguna oficial ni particular, guiado solo por el principio de justicia que podia tener el interesado. Por lo mismo, luego que presente los documentos que acrediten legalmente la propiedad que tenia sobre dicho buque y todo lo demas que es necesario, se procedara á lo que corresponda para indemnizarlo como sea justo.

Los reclamos del Señor Aaron Leggett, cuidadano de los Estados Unidos de America, por la perdida en Tabasco, el año de 1832, de su buque de vapor nombrado *Hidalgo*, se sumitieron al examen debido, y de la averiguacion que se formó resulta; que segun contrata, y á virtud del privilegio que se concedió á dicho buque, debia transportar gratis las tropas nacionales, cuando el servicio le exigiere, sin embargo de lo cual, se pagaron á Leggett en esa vez, mil cuatra cientos treinta y tres pesos un real por fletes; que cuando la embarcacion se fué á pique, se ocupaba en servicio de su propietario y nó de la republica, y ese accidente resultado del mal estado en que se hallaba y de la ecsesiva carga que le embarcaron: que ni el capitan ni las medidas tomadas por Leggett, podian nunca impulsado tanto los cortes del palo de tinte, para que hubiese podido cargar los ocho buques de que hace referencia en sus escritos, pues segun declaran los cortadores contra-

tados, no debían haberselo entregado hasta el año siguiente á aquel en que sufrió los perjuicios que reclama; que habiendo desaprobado Leggett el contrato que celebró su apoderado, nó debia ya contar con la carga para los espresados buques, cuya anulacion le obligó á deshacerse de los muebles y existencias que tenían los Señores Brown y Gallagher para pagar á los contratistas del corte, y como este se halla á cuarenta ó cincuenta leguas á lo interior de la costa, claro es que aun cuando se hubiese verificado, habian sido necesarios cuatro ó cinco meses para conducir á fin de que fuese embarcado, y no hubiera sido bastamente para cargar los buques que refiere, pués que los ciento cincuenta mil quintales de palo annales que menciona, le habria sido imposible conseguirlos, por los pocos recursos con que contaba; consta tambien que el valor del barco de vapor de Leggett seria á los mas, segun unos, de diez y seis á diez y ocho mil pesos, y que segun otros de seis á ocho, y cuatro á cinco mil pesos; y que siendo dicho individuo deudor á la hacienda publica de derechos vencidos, fué ejecutado y hecho por peritos el avaluo de sus efectos por orden de autoridad competente, se justificaron en la cantidadde catorce mil cien pesos.

En virtud de lo espuesto, el Supremo Gobierno Mexicano conceptuo á la nacion exonerada de satisfacer á Mr. Leggett las sumas que reclama por daños y perjuicios; sumas exageradas por calculos quimericos, segun se nota tambien por la espresada averiguacion; y asi es que se dispuso que el interesado ocurriese ante los tribunales, cuyos ocursoos le estaban espeditos, si aun insistiese en el asunto, que por su naturaleza es contencioso. Estas providencias dictadas por el Ministerio de la Guerra se hicieron saber al Señor Leggett por el del cargo del que subscribe, y como ne se haya conformado con ellas, en vez de ocurrir como es de ley á seguir un juicio ante los tribunales ha repetido sus instancias ante el Supremo Gobierno solicitando nueva resolucioin, que si pudiese darle por que la admitan las atribuciones del Ejecutivo, el que subscribe tendrá el honor de ponerla en noticia del Hon. Señor Ellis tan pronto como se le comuniqué por el Ministerio respectivo.

Luego que el Supremo Gobierno tubó noticia de la publicacion que hizo en New York, el capitan del bergantin Industry, Mr. McKeige, refiriendo lo que le habia acontecido en Tabasco, y quejandose de los procedimientos de aquellas autoridades y empleados, dispuso que se hiciese una averiguacion legal de aquellos hechos, y verificada que fué como resultase que el juez de distrito y el comandante del resguardo de aquella aduana habian incurrido en las graves faltas de que se les acusaba, mandó se les formase la correspondiente causa y se les aplicase el merecido castigo. Esta ha seguido todos los tramites que prescribieron las leyes y para su mas pronta terminacion ha dirigido el infrascrito las ordenes oportunas, á fin de que segun su resultado, se proceda á lo que fuese justo para indemnizar á Mr. McKeige de las perdidas y perjuicios que le ocasionaron unos individuos que con su conducta venal é imprudente comprometieron el honor de la nacion.

Esto es con respecto á la prision que se impusieron al Capitan McKeige, á las sumas que le exigieron por su libertad y la del buque, y por la detencion de este, pués que en cuanto á haberse obligado á la tripulacion del mismo á que pelcase en un combate que hubo en Tabasco entre las tropas del Gobierno y otros sublevadas, consta que los marineros se prestaron voluntariamente á esa fatiga, y no se les obligó por la fuerza, como el citado capitan del buque asienta, y consta tambien que son exagerados los padecimientos que este dice, sufrió en la prision, asi como que el comandante militar de



aquella ciudad no tubo parte alguna en los acontecimientos á que se hace referencia.

En cuanto al suceso del bergantin Americano Paragon, no habiendose comunicado al Ministerio de Relaciones por el de Guerra, el resultado de la prision y el juicio que se habia ordenado contra el capitan oficiales y gente de la goleta nacional Tampico, segun se avisó oportunamente al Señor encargado de negocios de los Estados Unidos, el infrascrito ha dirigido la orden oportuna para que se le participe lo que con posterioridad haya ocurrido para ponerlo en noticia del Hon. Señor P. Ellis.

El asunto de la detencion en Campeche del bergantin Americano Ophir, esta reducido á lo siguiente: praticadas que fueron las visitas de guerra y sanidad, y antes que llegase la del resguardo, el capitan del buque pidio con repetidas instancias se le permitiese pasar á tierra; y concedido que le fué, atribuyo maliciosamente este para al capitan del puerto, suponiendo que lo habia dado para perjudicarlo, cuando es asi que el lo solicitó, y llevó su idea hasta el extremo de acusarlo ante un tribunal y pedir se le castigase por un acto de pura condescendencia. Llegado á tierra el capitan del buque, presentó los manifestos particulares, omitiendo los generales, de que segun la ley, era inmediatamente responsable; por cuya falta, el juez de distrito considerando que el buque responde por dichos manifestos generales, que deben presentarse en el acto del fondeo, conforme está prevenido por la ley de 31 de Marzo de 1831, mandó que aquel fuese competentemente asegurado hasta la conclusion del juicio que debia seguirse, y dejó libre el cargamento. Para ese efecto, y temiendose la fuga del bergantin, se la quitaron las velas, depositandolas en los almacenas; y se le puso una pequeña guardia, la que se aumento despues, y se hizo entrar mas el buque por que continuaban las amenazas de su fuga, las de que se pondria fuego al alquitran que contenia para que volasen los que los custodiaban, y otras bastante descomedidas é insultantes. Entretanto, se condenó al bergantin á la pena de comiso, y habiendo apelado el capitan de esta sentencia, y seguido el juicio todos sus tramites legales, se revocó aquella, mandandose entregar el buque bajo fianza, como en efecto se hizo recibiendo su capitan, y cuando, en tal virtud, podia navegar libremente marchó sin cargamento alguno dejando en poder del consul de los Estados Unidos todos los documentos de navegacion y ese paso precipitado y furtivo, fue ocasionado por una disputa sobre intereses que con su fiador tubó el relacionado capitan del bergantin de que se trata.

Resulta de lo espuesto que las autoridades Mejicanas no se eccidieron en manera alguna, pues la detencion del buque tubó origen en la falta de los manifestos generales, mas cuando aquella se reparó, se declaró libre y se devolvió á su capitan como correspondia. Asi pues, no se advierten los fundamentos del reclamo sobre ese negocio, ni hay como justificar, con relacion á la republica Mejicana, la protesta injuriosa y altamente ofensiva que contra sus autoridades y empleados presentó el capitan del buque en cuestion, al consul de los Estados Unidos en Campeche, con motivo de los procedimientos referidos, á que el mismo dió lugar, y que fueron arreglados á las leyes. Créese por lo mismo el Gobierno del infrascrito que el de los Estados Unidos de America estara mal informado de estos sucesos, y que cuando se instruya de lo que realmente ha pasado, desaprovará la conducta del Capitan Brittingham del bergantin Ophir, asi por las noticias inexactas que le ha triansmitido, como por la protesta men-

cionada, en que con tanta injusticia como ligereza y atrevimiento hizo tales agravios á la republica Mejicana, y sobre cuyo particular no aparece que el gabinete de Washington tomase providencias, ni aun manifestase su desagrado y disposicion para satisfacer en alguna manera la justa queja de una nacion amiga, por un libelo tan injurioso, no obstante que se le indicó por medio del encargado de negocios de la republica.

Como quiera que ninguna reclamacion ó queja se ha presentado hasta ahora al Gobierno nacional acérca del apresamiento de la goleta Americana *Martha* por la de Mejico nombrada Montezuma, y la primera noticia de este asunto que tiene el ministerio del cargo del infrascrito sea la que le comunica la nota del Hon. Señor P. Ellis de 26 Setiembre ultimo, no puede contestarle con el debido conocimiento, y para hacerlo, ha pedido á quienes corresponde las noticias é informes respectivos, que tendrá el honor de transmitir á su señoría con toda oportunidad.

Con respecto al apresamiento de la goleta Americana Ana Elizabeth, se ha recomendado por el infrascrito al Ministerio de la Guerra la mas pronta remision de la sumaria que sobre ese asunto mandó formar al comandante general de Nueva Leon y Tamaulipas, segun tubo el honor el que suscribe de participar al Hon. Señor P. Ellis en nota de 17 de Junio ultimo, y tan luego como se tenga á la vista á quel documento, se le comunicará el resultado.

Tambien se reclaman de nuevo por esta Secretaria á la de Guerra los informes que ofreció acerca de las tropelias que se dice fueron cometidas en Matamoros por una partida de tropa Mejicana contra el consul, y otros ciudadanos de los Estados Unidos sobre cuyos particulares hablaba la nota que el Hon. Señor Ellis dirigió al infrascrito en 9 de Setiembre ultimo, y con oportunidad se pondran en noticia de su señoría.

No habiendo antecedentes en este Ministerio acerca de los sucesos ocurridos con la goleta *Eclipse* de Mobila, se han pedido al del Despacho de Hacienda, á efecto de contestar este punto de la nota del Señor Ellis á que se refiere la presente comunicacion del infrascrito.

Con motivo de la noticia que se tubo en Matamoros en Abril ultimo de que algunos buques enemigos cruzaban nuestras aguas, y se dirigian á aquel puerto; dispuso el comandante general de aquellos departamentos, como medida de precaucion, que se suspendiese la salida de todo buque de las barras del mismo, y que se acercasen á el lo mas posible para que pudieran ser protegidos por los fuegos de la plaza, en caso de agresion; mas esa medida que duró muy pocos dias, y sin embargo de que consultaba á la vez que el mejor servicio nacional, la seguridad de los buques espresados fue desaprobada por el E. Señor Presidente, en razon de no haber sido dictada esta medida por el Supremo Gobierno que es el unico que puede tomarla en uso del derecho que es inherente á todas las naciones, previniendose al espresado comandante general que en lo sucesivo no cerrase puerto alguno sin permiso superior, por los males que pudieran ocasionarse al comercio. Parece que en esta vez, no resintió perjuicio alguno al menos de que tenga queja el Supremo Gobierno, y asi es que con esto crée el infrascrito que queda contestado el reclamo relativo á la detencion de los buques Jane, Compeer, y otros de los Estados Unidos de America, y mucho mas si se atiende á que la medida de que se trata, no se contrajó exclusivamente á estos, sino á todos los que se hallaban en Matamoros cualquiera que fuese su procedida, incluso los nacionales.

Ninguna noticia tiene el Gobierno del infrascrito del hecho que refiere

el Honorable Sr. Ellis, sobre haberse querido obligar al consul Americano en Tabasco por un alcalde de aquella ciudad, á que autorizase con su sello consular ciertos documentos publicos, y por lo mismo, para formar idea de este negocio, se han pedido las noticias conducentes á la autoridad que corresponde, y lo que resultase se pondrá por el que suscribe en noticia del Señor encargado de negocios de los Estados Unidos.

Su señoría despues de especificar todos los asuntos que quedan contestados, pasa á decir que los buques Mejicanos armados, han hecho fuego ó insultado la bandera de los Estados Unidos de America, que sus consules han sido maltratados é injuriados por las autoridades; los ciudadanos, particulares asesinados, arrestados, y castigados como malhechores; sus propiedades condenadas y confiscadas, &c. &c. mas como estos cargos se hacen con tanta generalidad, el Gobierno Supremo de la republica desearia se le especificaren para tomarlos en consideracion. Tendria tanto placer en reparar los perjuicios que injustamente se hayan inferido en Mejico á los ciudadanos de los Estados Unidos, y en satisfacer los insultos que haya recibido la bandera de los mismos, cuanto es el sentimiento que le causan las reclamaciones que ó bien son infundadas, por que los que las presentan se habran hecho acreedores con su misma conducta a procedimientos que califican de abusos y arbitrariedades, ó si estas en efecto se han cometido en la republica, ha sido contra el constante deseo del Gobierno nacional de que se guarden en todas partes los debidos consideraciones a todos los ciudadanos de las potencias amigas; contra sus conatos y esfuerzos á fin de que no se haya distincion alguna entre estos y los naturales del pais; y en fin, contra sus repetidas disposiciones para que ante los tribunales y autoridades todas, encuentren proteccion y se les administre pronta y cumplida justicia; por lo mismo pues, y con objeto de vindicar el honor nacional, en cuanto pueda haberse comprometido por los hechos que refiere el Honorable Señor P. Ellis, y de dar nuevas pruebas de la rectitud, providad, y decoro de los principios que en todo tiempo han guiado la conducta de la administracion suprema Mejicana, apreciará se le den á conocer todos los motivos de queja que existan, prometiendose de la justicia é imparcialidad de la de los Estados Unidos de America, que se penetrara de la exageracion con que los interesados presentan sus quejas, para motivos que es escusado referir, y con la cual intentan sacar ventajas que de otro modo no podrian obtener, quedar impunes de las faltas que cometieron en desprecio de las leyes del pais á que llevan sus especulaciones, aunque sea á costa de comprometer las relaciones de amistad y buena armonia de este con la nacion á que pertenesen.

Pero asi como el Gobierno del infrascrito acogerá las demandas justas que se le presentan, y se presterá á reparar los perjuicios que se hayan ocasionado en la republica á los interesados en aquellas, no puede ser indiferente á la acriminacion que se le hace en la nota del Hon. Sr. P. Ellis, que está contestando el que suscribe cuando lo constituye autor de actos *ilicitos, arbitrarios, y violentos*, que si se han cometido, no ha tenido en ello parte alguna, pues deberan su origen á autoridades é individuos particulares, y los que han llegado á su noticia han merecido su desagrado y su desaprobacion. No podrá señalarse un solo hecho en que el Supremo Gobierno manifestase, ni aun remotamente una disposicion poco favorable para la conservacion y aumento de las relaciones politicas con las potencias extranjeras; y por eso cree que no ha merecido esos reproches, ni tampoco que se usa con ella de un sentimiento de indulgencia de parte de ninguna de aquellas

como el que dice el Hl. Sr. Ellis abriga el Presidente de los Estados Unidos; sentimiento que en tales casos es degradante a aquel en cuyo favor se emplea. Aun suponiendo que las quejas de los ciudadanos de los mismos Estados contra la republica Mejicana, hubiesen adquirido ya todo el grado de certidumbre y de justicia necesaria para deducirse la obligacion de esta en acordarles la reparacion oportuna, si no se ha tra negado a concederla, no merecia la aplicacion de ese espiritu indulgente ó tolerante. Cuanto menos pues sera acreedora a el, cuando faltan aquellas circunstancias a las reclamaciones en cuestion, y cuando no se resiste a satisfacerlas? Asi es que el Gobierno del infrascrito ha visto con sorpresa y sentimiento, esas frases y otras de la nota del Hon. Señor encargado de negocios de los Estados Unidos, y por su propia dignidad, por su decoro, y por el honor nacional, manda al que suscribe haya estas indicaciones a su señoría y le manifieste, que dispuesto como esta y ha estado en todas epochas a cumplir las obligaciones que le prescribe el derecho de gentes y los tratados especiales que ha celebrado la republica, y como de hecho las ha cumplido en cuantos casos se han presentado, atendera gustoso los reclamos que se le presenten fundados en justicia como le estaran sin duda aquellos á que alude el Hon. Señor P. Ellis, pues el Gobierno de los Estados Unidos los habrá depurado de las exageraciones y falsedades con que suelen revestirlos los interesados, y de los cargos gratuitos de violencias y arbitrariedades que atribuyen a las autoridades y empleados, que cumpliendo sus deberes impiden que las leyes de su pais dejen de tener su mas rigida y exacta aplicacion.

No puede concluir este escrito el que suscribe sin hacer, aunque con repugnancia, la observacion de que tan frecuentes quejas y demandas de parte de los ciudadanos de los Estados Unidos mas bien podrian hacerse contra ellos, por la conducta poco regular que en muchos casos han observado en el ejercicio de la profesion del comercio. Es notorio el contrabando de que se han ocupado especialmente en las costas de Tejas, y muchas veces pretestando falta de conocimiento que no pueden tener, de las leyes de hacienda, han omitido los requisitos ó documentos que estas exigen, lo cual ha dado lugar á que se les confisquen los cargamentos ó los buques, á la imposicion de multas y otras penas, contra las cuales declaman sin fundamento, por ser arregladas á justicia, no haciendo atencion á que deben estar sujetos á las leyes, usos, y estatutos del pais al conducir á el sus especulaciones mercantiles, como es muy natural, y lo dice espresamente el artº. 3 del tratado de amistad, comercio, y navegacion.

No se entienda para esto que, el Gobierno del infrascrito confunde en esos manejos á todos los ciudadanos de los Estados Unidos; sabe y le consta que hay muchos á quienes no se tiene reproche alguno que hacerles, pues se han conducido con toda la delicadeza, honor, y circunspeccion debidos, en todos los giros á que se han dedicado; ni se crea tampoco que el Gobierno Mejicano indica esas ideas para formar materia de reclamo al Gobierno de Washington, pues que bien conoce que de la conducta que observan los ciudadanos de aquella nacion, ninguna responsabilidad pueda resultarle, asi por que no podría impedirla como por que de ningun modo habrá podido aprobarle. Estas mismas circunstancias median con el de la republica Mejicana, respecto de las faltas que en ella se hayan cometido con los ciudadanos de aquel pais; circunstancias que no deben mirarse por parte de uno ni de otro Gobierno, como indicantes de mala disposicion para el cultivo y aumento de sus relaciones, ni como descuido á omission para impartir á aquellos la proteccion á que los obliga el derecho de gentes y los

tratados que han celebrado. En prueba de este convencimiento del Gobierno Supremo, el infrascrito dira como de paso que ni aun en el reciente acontecimiento de la goleta Mejicana Correo creya comprometido al de los Estados Unidos sus reclamaciones se dirigieron para el fin de que se pudiese termino á los escandalosos procedimientos de las autoridades de Nueva Orleans, con un buque de guerra, de una nacion amiga y bien sabe el Sr. Ellis por otra parte que su Gobierno se abstuvo de toda intervencion, por mas patente claro é indisimulable que era el ultraje inferido á la bandera Mejicana, por que el asunto pendeá ante el poder judicial de aquel pais. Protesta el infrascrito que estas aplicacion, no llevan por objeto escudarse con ellas para satisfacer á los justos reclamos que se hagan á su Gobierno por el de los Estados Unidos lejos de ello ha dicho, y repite que esta pronto á verificarlo y solo ha querido demostrar que en ellos no ha tenido parte, que en los que han ocurrido ha llamado sus deberes y que si no ha hecho mas en obsequio de los quejorros, ha sido por que las leyes fundamentales del pais, le tienen bien detalladas sus facultades, y ya se ve que es injusto hacerle cargos por que estas no se estienden hasta donde fuera de descar para hacer mas efectiva la proteccion, que debe á los ciudadanos de las naciones amigas; pero si estos vienen á la republica conociendo aquellas y sabiendo tambien á las que están sujetos en su residencia en el pais, en sus giros y especulaciones todavia es mas injusto que se acrimine al Gobierno que no tiene arbitrio para proceder de otra manera que la que le señalan las mismas leyes.

Ha contestado el infrascrito á la nota del Honorable Sr. P. Ellis con las observaciones que crée oportunas y á todos los puntos que contiene aunque con falta de los datos precios sobre algunos de ellos, cediendo, como ha dicho antes, á las instancias de su señoria para que se le diese una pronta respuesta. Esta exigencia nada tendria de extraño si no se acompañase de la intimacion del Honorable Sr. Ellis de retirarse de sus funciones publicas, caso de no recibirla con la brevidad que desea, pero esto le estan extraño á S. E. el Presidente interino cuanto que no juzga merito bastante para ese paso la demora en una contestacion que no depende sino de las causas que ya el infrascrito ha manifestado otra vez: y sabe por otra parte que el gabinete de Washington aun no habia dado respuesta alguna al Ministerio Mejicano en aquellos Estados hasta el 4 de Octubre á notas que le dirigió en los meses de Agosto y Setiembre, y sobre asuntos de la mayor importancia, y transcendencia para los intereses de las dos naciones mas sea como fuere, el infrascrito ha cumplido su deber en cuanto le ha sido posible ofrece de nuevo transmitir al conocimiento del Honorable Sr. Ellis el resultado de los informes y documentos que tiene pedidos, segun queda espresado en sus lugares respectivos, y aprovecha con gusto la oportunidad de reproducir a su señoria las protestas de su muy distinguida consideracion y aprecio.

JOSE MARÍA ORTIZ MONASTERIO.

Al Hon. POWHATAN ELLIS;

*Encargado de Negocios de los Estados Unidos de America.*

*Mr. Monasterio to Mr. Ellis.*

[TRANSLATION.]

PALACE OF THE NATIONAL GOVERNMENT,  
*Mexico, November 15, 1836.*

The undersigned, acting Minister of Foreign Affairs, has informed the Hon. Powhatan Ellis, through his private note of the 3d of October last, and his official note of the 23d of the same month, that, in order to reply to the one from his excellency of the 26th of September, in which he sets forth various reclamations on the part of the United States of America against the Mexican Government, it was necessary to collect all the important data; some of which were to be obtained from different authorities and officers, both within and without the capital, because they did not appear in the Department of Relations; but now, with such as are before the undersigned, he hastens to reply to said note, although it may not be upon all and every point embraced in it; yielding to the urgency of Mr. Ellis, and desiring to give him a proof that the supreme administration of the republic is not unmindful of these affairs, and that there has not been any the slightest omission on the part of this department in giving the necessary explanations.

Before entering upon the matter, the undersigned believes that he ought to establish a preliminary basis, for the better understanding of his reply to each one of the charges embraced in the note of the Hon. Powhatan Ellis. The 14th article of the treaty of amity, commerce, and navigation, subsisting between this republic and the United States of America, provides that both Governments guaranty their especial protection to the persons and property of the citizens of each other, "leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary with the natives or citizens of the country in which they may be; for which they may employ, in defence of their rights, such advocates, solicitors, notaries, agents, and factors, as they may judge proper, in all their trials at law," &c., &c.; and hence, from the tenor of this paragraph, it is evident that this protection is limited to a resort to these tribunals whose access is thus rendered easy, and that the laws of the country are made to bear upon them with all due impartiality. By leaving the parties interested to carry on their own affairs, they can discuss and arrange the points at issue, without the direct interposition of their respective Governments, which might in some cases affect their interests. On the same principle, all those reclamations which have for their object the proceedings of officers of the customs in the fulfilment of the laws of finance, for abuses which may have been committed, do not in any manner attach to the Executive of the republic, but ought to be examined before the tribunals of the district and circuit and in the supreme court of justice, according to the order of proceedings established by law, without making them matter of diplomatic discussion, so long as the parties interested are not denied those legal resources which are open to the Mexicans; but without the one pretending to rights which the others do not enjoy, inasmuch as there could not exist two different legislations for natives and foreigners; and these, all of which they may claim in virtue of the treaty, are that the

latter may be judged by the same laws and by the same tribunals as the former. The undersigned is induced to make this observation, because he discovers that, in general, the reclamations contained in the note now under consideration are confined to the affairs of individuals, whose trial and adjustment belong to the judiciary of the republic; he will, therefore, leave its application to the several points coming under it, and pass to a consideration of them, following the order in which they have been placed by the chargé d'affaires of the United States.

The first, relative to the proceedings had at Tabasco upon the cargo of the American schooner Northampton, and the injuries inflicted on her captain, is entirely unknown to the Department of Relations; and hence it is, that, because of the relation made by the Hon. Mr. Ellis, the necessary information has now been called for, with a view to take such order upon it as the facts may justify.

The complaints of the citizen of the United States of America, John Baldwin, against the authorities of Goazacoalco, form the second subject treated of in the Hon. Powhatan Ellis's note; and an examination of the documents in the case proves, that whatever may have been the grievances which Mr. Baldwin has borne, and however arbitrary the acts of said authorities, the party interested ought to have sought reparation for them, and punishment of his aggressors, before the proper tribunals, whose action was alike open to foreigners and natives. Nevertheless, as he has placed his cause in the hands of the chargé d'affaires of his nation, who has transmitted it to the department in charge of the undersigned, the Supreme Government will take such part in the same as is proper. What blame can attach to the Government, because up to this time the suits instituted against Mr. Baldwin have not terminated in the respective courts, seeing that it has constantly done every thing in its power, which was to write to the authorities urging them to administer prompt and ample justice, by placing in their true light the acts of which he complained, and punishing those who might prove culpable? This is all the intervention which the supreme executive power has in subjects of this nature; and the independence which has been placed between it and the judiciary, would draw upon the Executive a heavy responsibility if it should proceed in any other manner to administer the laws by itself. In the legation now under the charge of the Hon. Powhatan Ellis, there are many communications which prove that the Government of the undersigned has fulfilled its duties towards Mr. Baldwin, as the repeated orders which were given to the governor of the State, now Department of Vera Cruz, will show that it has never disregarded the obligation imposed upon it of giving due protection to all inhabitants of the republic, without, however, trespassing beyond the limits which the laws designate.

The undersigned cannot refrain from remarking, before leaving this point, that the conduct of said Baldwin has not been so circumspect and regular as is stated in his manifesto, since there have been instituted against him six criminal causes in the court of Acayucan; and there are other complaints against his proceedings, according to information lodged by the commissioner of Goazacoalco, which will be duly made known to the legation of the United States; and hence it is, although the Supreme Mexican Government might have had power to interpose more directly in these subjects, carried away by a desire to relieve the party interested from his sufferings, the course which the respective tribunals took would have pre-

vented it from doing so; and, resting upon these principles, the department repelled the idea advanced by Mr. Anthony Butler, in his note of the 6th of September, 1833, relative to the case of Mr. Baldwin, that it would be treated as a national question between the United States and Mexico, because the case of an individual could not assume such a character, when it essentially belonged to the judiciary, and the Government had done all within its power and authority; much less when there were data so little favorable to the complainant. The light, then, in which the affair in question ought to be viewed is, whether the Supreme Government has granted to him, or not, due comfort and protection; and it being demonstrated, as well by this clear exposition as by documents in the possession of the Hon. Mr. Ellis, that it has been the first, the Government stands absolved from all claim that can be brought against it; but, to give a new proof of the desire which has always animated it to bring about a prompt and happy termination of this subject for Mr. Baldwin, it has addressed an energetic representation to the proper authority, to the end that if there should be yet any cause pending, justice may be awarded to him with due promptitude and impartiality.

The documents existing in the department under the charge of the undersigned, are not sufficient to form a distinct idea of the case relative to the occupation of the American brig *Topaz*, by the Mexican authorities, to convey troops from Matamoras to Galveston; and the same have been therefore applied for at the Department of War, where they ought to be; but from those which are in the possession of the undersigned, he adduces, that said brig was freighted by the commandant of Anahuac to convey the troops aforesaid, and that on the voyage the mariners, wishing to possess themselves of the money which was on board, formed a plan to assassinate the Mexicans who manned the schooner, she being wrecked, and they having escaped in the boats. In fact, after having thrown Captain Ryder into the sea, and secured the troops in the hold, they proceeded to assassinate two officers of this republic, when one of them escaping, gave the alarm. The troops broke open the hatches, fell upon the authors of the mutiny, killed the pilot who was the ringleader, and secured the others in order that they might be tried; and although these attempts of the crew were attributed by them to the Mexican soldiery, two captains of other vessels of the United States, who arrived subsequently at Anahuac, and who believed it to be their duty to investigate the matter, decided against the mariners upon hearing their contradictory testimony. If these have occurred, as stated, it is very clear that no blame can be charged upon the Mexican Government for the death of the captain and pilot of the *Topaz*; but the undersigned will carefully examine the documents which he has called for, in order to fix these acts and that relative to the detention of the schooner in question.

As regards the case of the schooner *Brazoria*, it is evident, from the respective testimony in the case, that because of the bad condition in which she found herself in the port of Vera Cruz, in the year 1833, her sale was determined on; but as the commandant of marine for that department informed the Supreme Government that he had not, nor was it in his power, official information whether or not said vessel belonged to the national squadron, and that he had simply heard it said she was the property of a citizen of the United States, pressed into the service of the colonists of Austin, to transport troops from Galveston to Matamoras, and that the



owner had abandoned her with protest for loss and damage, it was ordered by the Minister of War that the proceeds of the sale, if it should be effected, as well as recompense for the use which had been made of the vessel, should be deposited in the treasury of the same department of marine, to cover the loss and damage which the party interested had sustained; to which end it was also recommended that a summary investigation should be made as to who was the owner; and hence it is, if he had presented his claim as it should have been, the same would have been liquidated immediately after the passage of the decree in his favor by the Supreme Government: a decree issued without any reclamation, either official or private, having been made, but prompted solely by the principle of justice which sustained the party interested. In virtue whereof, as soon as the documents, legally certified, shall be presented, proving the owner of said vessel and all else that is necessary, suitable measures will be taken for such indemnification as may be just.

The claim of Mr. Aaron Leggett, a citizen of the United States of America, for the loss in Tabasco, during the year 1832, of his steamboat called "Hidalgo," has been submitted to due examination; and, from this investigation it results: that according to contract, and in virtue of the privilege granted to said vessel, it was his duty to transport, *gratis*, national troops, whenever required by the public service; notwithstanding which, Leggett was paid at that time one thousand four hundred and thirty-three dollars and one real for freights; that when the vessel was stranded, she was occupied in the service of her proprietor, and not in that of the republic; and this accident resulted from the bad condition of the boat, and from the excessive cargo on board; that neither the capital, nor the means employed by Leggett, could have effected the cutting of enough dyewood to load the eight vessels referred to in his writings, since, according to the declarations of the contractors for cutting this wood, it was not to have been delivered until the year following that in which he suffered the damages complained of; that Leggett, having disapproved the contract which was concluded by his attorney, he could not then reckon upon freight for said vessels; which annihilation of the contract obliged Messrs. Brown and Gallagher to dispose of their furniture and stock in trade, in order to pay the contractors for the wood; and as this was situated forty or fifty leagues in the interior from the coast, it is evident that, even when cut, some four or five months would be necessary to bring it to the point of embarkation. Nor could he have had a sufficient quantity to load the vessels referred to, inasmuch as it was impossible to obtain the one hundred and fifty thousand quintals of logwood which he mentions, with the small means wherewith he was provided. It is also evident that the value of Leggett's steamboat could not be more, according to some, than sixteen or eighteen thousand dollars, and according to others, from six to eight and from four to five thousand dollars; and that said individual being a debtor to the public treasury for imposts due, he was forced to pay them; and a valuation of his effects being made by skilful persons, by order of the competent authority, their just estimate was set down at the sum of fourteen thousand one hundred dollars.

In virtue of this exposition, the Supreme Mexican Government conceives itself exonerated from paying to Mr. Leggett the sums which he claims for losses and damages—sums exaggerated by chimerical calculations, as is also seen by the same investigation; and hence it is, the Government has determined that the party interested must go before the tribunals, whose

access is open to him, should he even insist upon the matter, which in its nature admits of much litigation. These provisions, dictated by the Minister of War, have been already made known to Mr. Leggett by the department in charge of the undersigned ; and as he has not conformed to them, but has, in place of resorting to the tribunals, as is the law, for a judgment, repeated his instances before the Supreme Government, soliciting a new resolution, if it can be admitted by the attributes of the Executive, the undersigned will have the honor to communicate it to the Hon. Mr. Ellis, as soon as it is made known to him by the respective department.

As soon as the Supreme Government received information of a publication made in New York by the captain of the brig Industry, Mr. McKeige, referring to what he had suffered in Tabasco, and complaining of the proceedings of the authorities and employers there, it ordered that a legal investigation of these acts should be instituted ; which having been done, and it being proved that the judge of the district and the commandant of the guard of that custom-house were guilty of the heavy charges alleged against them, a corresponding suit was ordered to be formed, and merited chastisement inflicted. This has been carried through all the forms prescribed by law ; and for its speedy termination the undersigned has issued suitable directions, to the end that, according to its result, just measures may be adopted to indemnify Mr. McKeige for the losses and injuries which were occasioned him by some individuals, who, by their mercenary and imprudent conduct, have compromised the honor of their nation.

This is as regards the imprisonment of Capt. McKeige, and the sum of money exacted for his own and his vessel's liberation, and for the detention of the latter ; since, as regards the crew of the same having been obliged to engage in a combat which occurred between the Government troops and other disaffected persons, it appears that the mariners entered voluntarily into that labor, and were not obliged by force, as the said captain of the brig asserts ; and it further appears that the grievances which the captain says he suffered in prison are exaggerated, as well as that the military commandant of that city took any part in inflicting the wrongs of which he complains.

With respect to the case of the American brig Paragon, the Department of War not having communicated to that of Relations the result of the apprehension and trial which were ordered against the captain, officers, and men of the national schooner Tampico, as the chargé d'affaires of the United States was duly advised, the undersigned has issued a suitable order, that he may be informed of what has occurred up to this time, with a view to communicate the same to the Hon. P. Ellis.

The subject of the detention at Campeachy of the American brig Ophir, reduces itself to the following : The visits of the military inspectors, and of health, were made ; and before the arrival of the custom-house guard, the captain of the vessel demanded, with repeated urgency, that he should be permitted to go on shore ; and this being granted to him, he maliciously attributed the measure to the captain of the port, supposing it had been done to prejudice him : when the truth is, it was granted at his own request ; and he carried his impression to such an extreme, as to accuse him before a tribunal, and to ask his punishment for an act of pure condescension. On landing, the captain of the vessel presented his private manifests, omitting his general ones, whereby he became immediately responsible to

the law; for which fault the judge of the district, considering that the vessel should answer for said general manifests, which ought to have been presented in the very act of coming to anchor, agreeably to the requisitions of the law of the 31st of March, 1831, commanded that she should be properly secured until the conclusion of the trial which was about to ensue, and discharged the cargo. For this purpose, and fearing the escape of the vessel, he removed the sails, depositing them in store-houses, and placed over them a small guard, which was subsequently augmented; and he caused the vessel to be brought nearer to the city, because of the continued threats of her escape; of setting on fire the tar which she contained, in order to destroy those who guarded her; and of others sufficiently insolent and insulting. In the mean time, the vessel was condemned to the penalty of confiscation; but the captain having appealed from this sentence, and the judgment having passed through all its legal forms, the same was revoked, the vessel being ordered to be restored upon security, as was in fact done, and the captain again taking command of her; and when, in virtue of this, he could navigate freely, he put to sea without any cargo whatever, leaving in the possession of the consul of the United States all his sea-papers; and this precipitate and clandestine step was occasioned by a dispute about the interests which the captain aforesaid of the vessel in question had with his surety.

It results from this exposition, that the Mexican authorities have not, in any manner, exceeded their powers, since the detention of the vessel had its origin in the want of her general manifests; but when that was remedied, she was declared free, and so returned to her captain. Thus, then, it does not appear that the reclamation in this case is well founded, nor is there any justification, so far as the Mexican republic is concerned, for the injurious and highly offensive protest against its officers and employers which the captain of the vessel in question noted before the consul of the United States in Campeachy, actuated by the grievances referred to, which he brought upon himself, and which were acts determined by law. The Government of the undersigned, therefore, believes that that of the United States of America has been misinformed as to these events, and that when advised of what has really occurred, it will disapprove the conduct of Captain Brittingham, of the brig Ophir, as well because of the inaccurate statements which he has transmitted to it, as of the protest aforesaid, wherein, with as much injustice as wantonness and audacity, he alleges so many charges against the Mexican republic, and upon which particular it does not appear that the cabinet at Washington has taken any steps, or even manifested its displeasure or its disposition to satisfy, in any manner, the just complaint of a friendly nation for so injurious a libel, notwithstanding the same was conveyed to it through the medium of the chargé d'affaires of the republic.

As it does not appear that any reclamation or complaint has been presented up to this time to the National Government, upon the impressment of the American brig Martha, by the Mexican called the Montezuma, and as the first intimation of this subject which the department in charge of the undersigned has had, is that communicated in the note of the Hon. P. Ellis of the 26th of September last, no reply can be returned to it with due knowledge of the facts; and, in order to do so, the proper authorities have been called upon to furnish the corresponding details and information,

which the undersigned will have the honor to transmit to your excellency with all promptness.

In regard to the capture of the American schooner *Hannah Elizabeth*, the undersigned has recommended to the Minister of War the most prompt remission of the summary proceedings upon this subject, which the commandant general of New Leon and Tamaulipas was ordered to institute, as the undersigned had the honor to announce to the Hon. P. Ellis in his note of the 17th of July last; and as soon as he can obtain that document, he will communicate to him the result.

This department has also called anew upon that of War, for such facts as may come to hand touching the outrages which it is said were committed in Matamoras by a party of armed Mexican troops upon the consul and others, citizens of the United States, which formed the subject of the Hon. Mr. Ellis's note addressed to the undersigned on the 9th of September last, and he will take the earliest opportunity to advise your excellency of the same.

There being no previous information in this department relative to the occurrences in the case of the schooner *Eclipse*, of Mobile, they have been requested to be furnished by the Department of Finance, for the purpose of answering, under this head, the note of Mr. Ellis to which the present note of the undersigned refers.

As a consequence of notice had in Matamoras in April last, that some hostile vessels were cruising in our waters, and destined for that port, the commandant general of those departments ordered, as a measure of precaution, that the departure of every vessel from the bars of the same should be suspended, and that they should draw as near as possible to the city, in order that they might be protected by the fire from the plaza in case of aggression; but this provision, which lasted only a very few days, notwithstanding it was called for at the time by the best interests of the national service, and the safety of the vessels aforesaid, was disapproved by his excellency the President, because the provision had not been dictated by the Supreme Government, which alone has the power to make use of this inherent right of all nations, instructing said commandant general that, no port should in any event, be closed without superior authority, because of the evils which might be occasioned to commerce. It appears that, on this occasion, no injury did result; at least, the Supreme Government has heard no complaint of such; and the undersigned therefore believes that this will be considered a sufficient reply to the reclamation growing out of the detention of the schooners *Jane*, *Compeer*, and other vessels of the United States of America; more particularly, if it be remembered that the proceeding in question was not confined exclusively to them, but to all vessels then in Matamoras, whatever might have been their destination, including national ones.

The Government of the undersigned has no information of the act to which the Hon. Mr. Ellis refers, of the American consul in Tabasco having been required by an alcalde of that city to authenticate with his consular seal certain public documents; and because of the same, in order to form a correct idea of the matter, a statement of the necessary facts have been required of that functionary, the result of which the undersigned will make known to the chargé d'affaires of the United States of America.

Your excellency, after specifying all the subjects which have been thus replied to, goes on to say, that Mexican armed vessels have fired upon and insulted the flag of the United States of America; that her consuls hav

been mal treated and insulted by the authorities; private citizens assassinated, arrested, and scourged like malefactors, their property condemned and confiscated, &c. &c.; but, as these charges are made in terms so general, the Supreme Government of the republic desires that they may be specified. before taking them into consideration.

The Government would have taken as much pleasure in repairing losses and injuries which have been unjustly suffered in Mexico by citizens of the United States, and in giving satisfaction for insults inflicted on the flag of the same, as is the feeling of regret which has been caused by some reclamations which are either unfounded, because those who present them have rendered themselves liable, by their own conduct, to proceedings intended to correct abuses and arbitrary acts; or if they were, in truth, committed in the republic, it has been against the constant desire of the National Government that there should be preserved, in all parts, those considerations due to the citizens of friendly powers; against its efforts and endeavors that there should exist no difference between them and the natives of the country; and, in fine, against its repeated dispositions that before all tribunals and authorities they should receive protection, and speedy and ample justice be awarded to them. Because of this, and with the object of vindicating the national honor, so far as it can be compromised by the acts to which the Honorable P. Ellis collectively refers, and of giving new proofs of the rectitude, probity, and decorum of those principles which have in all time governed the conduct of the supreme Mexican administration, it will esteem it a favor to receive a statement of all existing causes of complaint, promising justice and impartiality towards that of the United States of America, who will be convinced of the exaggeration used by the claimants in presenting their demands, through motives which it is needless to mention, endeavoring thereby to reap advantages which they could never otherwise obtain, and to escape punishment for misdemeanors which they commit in contempt of the laws of the country where they prosecute their speculations, although it may be at the expense of compromising the friendly relations and good harmony between this and the nation to which they belong.

But, although the Government of the undersigned may be thus willing to admit the just demands which may be presented, and ready to repair the injuries which have been occasioned in this republic to the parties interested in them, it cannot be indifferent to the crimination made in the note of the Honorable P. Ellis, to which the undersigned is now replying, when it is constituted the author of *illegal, arbitrary, and violent acts*—acts in which, if they have been committed, the Government has had no part whatever, inasmuch as they owe their origin to authorities and private individuals, and those which have come to its notice have met with their merited displeasure and reprehension. Not one single act can be adduced in which the Supreme Government has manifested, even remotely, a disposition the least unfavorable to the preservation and extension of friendly political relations with foreign powers; and, on this account, it believes that it has not deserved these reproaches, nor that there should have been practised towards it a feeling of *indulgence* on the part of any of them, such as the Honorable Mr. Ellis ascribes to the President of the United States—a feeling which, in such cases, is degrading to the party in whose favor it is exercised. Even supposing that the claims of the citizens of the United States against the Mexican republic had acquired all that degree

of certainty and justice necessary to deduce the obligation of the same to accord to them due satisfaction, if the Government has not denied such satisfaction, it does not merit the application of this spirit of indulgence or toleration ; how much less, then, does it deserve the exercise of that spirit, when all such proofs are wanting in the reclamations in question, and when it has not resisted the adjustment of them? Hence it is that the Government of the undersigned has seen with surprise and regret these phrases and others in the note of the honorable chargé d'affaires of the United States, and, prompted by its own dignity, by its own decorum, and by the national honor, it commands the undersigned to convey these sentiments to your excellency, and to state to you that the Government is now disposed, as it ever has been, to fulfil its obligations as prescribed by the law of nations and the special treaties which have been concluded by the republic ; and, as it has in fact fulfilled them in as many cases as have been presented, it will listen with pleasure to the reclamations which may be presented founded in justice, as those no doubt will be to which the Honorable P. Ellis alludes, since the Government of the United States will have divested them of the exaggerations and falsities with which the parties interested are accustomed to surround them, and from the gratuitous charges of violence and arbitrariness which they attribute to the authorities and officers who, in the fulfilment of their duties, take care that the laws of their country are enforced with the most rigid and exact application.

The undersigned cannot conclude this communication without making, although with reluctance, the observation, that the very frequent complaints and demands on the part of the citizens of the United States could be much better alleged against them for the irregular conduct which, in many cases, they have practised in the prosecution of commerce. The contraband which they have been engaged in, especially in Texas, is notorious ; and often protesting an ignorance, which they could not have, of the laws of finance, they have omitted the requisites or documents exacted by these ; thereby giving rise to the confiscation of their cargoes or vessels, to the imposition of fines and other penalties, against which they declaim, without reason, because they are founded in justice ; paying no attention to the truth that they ought to be subject to the laws, usages, and statutes of the country wherever they carry on their mercantile speculations—a measure natural in itself, and expressly provided for in the third article of the treaty of amity, commerce, and navigation.

It is not intended by this that the Government of the undersigned confounds, in these irregularities, all the citizens of the United States ; it knows, and is certain, that there are many to whom no reproach whatever can attach, since they have demeaned themselves with every delicacy, honor, and circumspection, in all employments to which they have devoted themselves ; nor much less must it be supposed that the Mexican Government throws out these ideas to form matter of reclamation against the Government at Washington, for it well knows that, from the conduct observed by the citizens of that nation, no responsibility can result to it, both because it cannot control the same, and because it has in no manner approved such conduct. These same considerations should operate towards that of the Mexican republic, as regards the misdemeanors which have been committed by citizens of that country ; circumstances which ought not to be viewed by either the one or the other Government as indicating a disinclination to cultivate and extend their relations, nor as a neglect or an omission to impart to

them that protection which they are bound to afford by the law of nations and the treaties which they have concluded. In proof of this conviction of the Supreme Government, the undersigned will remark, in passing, that not even the recent event, touching the Mexican schooner *Correo*, was thought to have compromised that of the United States; its reclamations were directed with the view of putting a stop to the scandalous proceedings of the authorities of New Orleans towards a vessel of war belonging to a friendly nation; and Mr. Ellis well knows that, on the other hand, his Government abstained from all intervention in a most direct, clear, and undeniable insult inflicted on the Mexican flag, because the subject was pending before the judicial power of that country. The undersigned protests that these applications are not adduced for the purpose of warding off satisfaction for the just reclamations which the Government of the United States may have against this; far from it: he has said, and he repeats, that the latter is ready to prove as much, and he has sought only to show that in these it has had no part; that in those which have occurred, it has fulfilled its duties; and that if it has not been more obsequious to the complaining, it was because the fundamental laws of the country have too well defined its powers. And hence it will be seen that it is unjust to blame the Government, because these powers have not been extended so far as might be desired, in order to render more effective the protection which it owes to the citizens of friendly nations; but if these citizens do come into the republic, knowing its laws, and knowing, also, that they are to be subject to them during their residence in the country, both in their professions and speculations, it is so much the more unjust that the Government should be condemned for not being at liberty to proceed in any other manner than that specified in these same laws.

The undersigned has now replied to the note of the Hon. P. Ellis, with such observations as he believed appropriate, and to all the points embraced in it, although important data upon some of them are wanting, yielding, as has been before said, to the urgency of his excellency that he might receive a prompt reply. This urgency would have had nothing strange in it, if it had not been accompanied by an intimation that the Hon. Mr. Ellis would retire from his public functions, in case of not receiving a response as early as was desired. This was the more unexpected to his excellency the President *ad interim*, inasmuch as he did not deem a delay in the reply, depending solely upon causes which the undersigned had already made known, a sufficient justification for such a step; and when he knew, on the other hand, that even the cabinet at Washington had not given any reply to the Mexican minister in those States, up to the 4th of October, to notes which he addressed to it in the months of August and September, and upon subjects of the greatest importance to the interests of the two nations. But be this as it may, the undersigned has complied with his duty, so far as it has been possible. He again offers to transmit to the Hon. Mr. Ellis the result of the information and documents which has been called for as mentioned in their respective places; and he avails himself with pleasure of this opportunity to renew to his excellency the assurances of his very distinguished consideration and esteem.

JOSE MARIA ORTIZ MONASTERIO.

To the Hon. POWHATAN ELLIS,

*Chargé d'Affaires of the United States of America.*

No. 56.

*Mr. Ellis to Mr. Monasterio.*

LEGATION OF THE UNITED STATES OF AMERICA,  
*México, December 7, 1836.*

The undersigned, chargé d'affaires of the United States of America, has the honor to acknowledge the receipt of your excellency's note of the 15th ultimo, in answer to his of the 26th of September last past, in which your excellency states that it is necessary to establish a preliminary basis in reference to the true interpretation of the 14th article of the treaty of amity, commerce, and navigation, subsisting between the United States of America and the Mexico republic, before a final answer can be given to the various reclamations preferred against this Government. That article provides, that "both the contracting parties promise and engage to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in their territories, subject to the jurisdiction of one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice, for their judicial recourse, on the same terms which are usual and customary with the natives or citizens of the country in which they may be; for which they may employ, in defence of their rights, such advocates, solicitors, notaries, agents, and factors, as they may judge proper, in all their trials at law; and the citizens of either party, or their agents, shall enjoy, in every respect, the same rights and privileges, either in prosecuting or defending their rights of person or of property, as the citizens of the country where the cause may be tried."

That part of the treaty above quoted, it is alleged, provides for the redress of most of the complaints of citizens of the United States against this Government in the judicial tribunals of the country, where alone they are properly cognizable, and which cannot now be made the subject of diplomatic discussion and arrangement between the two Governments.

It would seem, from the terms and spirit of the compact itself, that the acknowledgment of this right in the treaty, placing citizens of each nation on the same footing with natives in their courts of justice, was with a view to prevent the delays incident to an appeal to the Government of the injured party; but its admission, although under such high authority, cannot be considered as amounting to the extinction of all other modes of redress before existing in relation to the same subject. If such had been the intention of the contracting parties, they would have so expressed themselves; and, in the absence of any limitation of the kind, a fair and just construction of the treaty will leave no room to doubt the intention of the two Governments at the time of its execution. The first clause of the conventional law in question expressly guaranties special protection to the persons and property of the citizens of each other. With what reason, then, can it be said that the courts of the party from whom reparation is demanded, and which may refuse to award justice, shall be the exclusive judges of the injury sustained by the citizens of the other? It is the peculiar attribute of sovereign power to ask for redress from an offending nation, when there may be just cause of complaint, and to pursue such measures as the law of nations may allow in the vindication of its rights. If the language of that article confines citizens of the United States to seek protection in the judicial tribunals of the country, in certain cases, it would follow, as a necessary conse-



quence, that their decisions would be final. The complainant could not look for redress beyond the ermine of the bench; he would have to submit to its judgments, however erroneous and unjust they might be; and in that event, the courts of the Supreme Mexican Government would become the sole arbiter between the two Governments on all questions arising out of the infraction of treaty stipulations, in which the United States might feel it to be her duty to protect the commercial interests of her citizens. Such a doctrine, the undersigned is well persuaded, cannot be sustained, either upon principle or precedent. It will be recollected that many of the claims now urged for adjustment arise out of the illegal seizure and condemnation of vessels and cargoes, by the same tribunals to which, your excellency is pleased to say, we can alone resort for indemnification. To call upon the judges of these courts, under such circumstances, to reverse their judgments, and to declare to the world the errors in the rendition of their previous decrees, would be a useless waste of time; and if, as it appears, such a course is to be insisted on, it can be viewed in no other light than as a rejection of these claims by the Mexican Government. When a vessel is illegally seized by the officers of a Government, the injury is two-fold: first, in relation to the individual injury sustained by all interested in the vessel and cargo; and secondly, in relation to the right which the Government of the injured party has to make such seizure the subject of diplomatic inquiry and reclamation, if it shall be found that the proceedings had in the case are in contradistinction to the well established principles of international law. If this be true, the decisions of the courts of Mexico cannot be held as final, inasmuch as the United States would thereby be precluded from the exercise of an unquestioned right of sovereignty to make investigation into all cases where complaints are made, to the end that she may extend her protection to those entitled to receive it. It is not contended that the Government of the undersigned claims the right to reverse the judgments of the courts of the Mexican republic; but if the property of her citizens has been seized and condemned in violation of the law and usages observed among all nations in their commercial intercourse with each other, it is her province, as it is her duty, to protect them in the enjoyment of their acknowledged rights. What has been the practice of other nations under similar circumstances? Many of the Governments of Europe have acknowledged the reclamations of the United States against them, without urging the pretension now advanced by Mexico, under the 14th article of the treaty before cited, to avoid a just responsibility for spoiliations committed by them on the commerce of a friendly and neutral power. It is believed, in all the instances alluded to, citizens of the United States enjoyed the same privileges that those now resident in Mexico do, under treaty stipulations. Notwithstanding which, when they asked, through their Government, reparation for the wrongs inflicted upon them by those powers, they were at no time referred to the judicial tribunals of the country as the only means of obtaining redress; although, in many of the seizures then made, there was no final condemnation passed, yet all such cases formed the subject of reclamation on the part of the United States, and were ultimately acknowledged as just. These impressions, which have been made upon the mind of the undersigned by a review of the question under consideration, have led him to the conclusion, that the opinion expressed by the Hon. Mr. Monasterio, which limits citizens of the United

States having certain claims against this Government to a resort to the judicial tribunals of Mexico for indemnity, is wholly indefensible.

In the case of John Baldwin, your excellency remarks, that whatever may have been the grievances borne by him, and however arbitrary the acts of the Mexican authorities, the party interested ought to have sought reparation for them, and punishment of his aggressors, before the proper tribunals; that the conduct of the said Baldwin has not been so circum-spect and regular as he has represented, inasmuch as there have been instituted against him six criminal prosecutions in the court of Acayucan. As to the prosecutions alluded to, upon an examination of the records of the court where they were instituted, it appears that, in the year 1832, a criminal process was served on John Baldwin, as a smuggler of cochineal, by the collector of rents at Petapa. The judge before whom the action was brought ordered his personal effects to be, in consequence, confiscated; but that functionary being declared incompetent to decide in the matter, it was removed to a legally constituted tribunal, where it was proven that Baldwin had fairly acquired the cochineal in question, and travelled with it in the most open and public manner. The accuser himself testified that he had seen Baldwin collecting cochineal; that his only ground of suspicion was the fact of having been informed that he had left Petapa and taken the direction to Malpaso; and that he himself did not know that Baldwin had ever conveyed cochineal to Malpaso, with or without custom-house passes; nor was the circumstance of his illegal trade established by any witness. The counsellor to whom the matter was referred absolved the party accused from the charges preferred against him, and ordered a restitution of the embargoed effects. The judge of Tchuantepee confirmed this opinion of the counsellor, and ordered the junta central of that place to reimburse the sufferer. A small portion of the effects only were returned. Availing himself of the law, which makes every individual member of such bodies responsible in such cases, Baldwin brought a demand for the balance of his goods against Juan José Salinas, the only one of the junta who was able to pay; but the influence and power of this person were so great as to prevent the judge from executing his sentence, and even to jeopardize the life of Baldwin, who, from considerations of personal safety, had to abandon the prosecution of his claim, and leave the country. Notwithstanding the result of the prosecutions at Acayucan, and the cruel and "scandalous proceedings" of the authorities at Gonzacoalco exercised towards this unfortunate individual and his family, (for the life of his wife was attempted by one of the soldiers snapping a pistol at her breast, while in the pursuit of Baldwin, in his own house,) and his acquittal from the false charges preferred against him, and the manifest inability of the civil authority to protect him, he is now, after a lapse of five years, to be turned over to these identical authorities who have been the cause of all his sufferings, to redress his wrongs—although it is confessedly true that this Government is bound to protect the persons and property of all American citizens in the United Mexican States! The inability or failure of the judiciary to protect Baldwin, he having, in the first instance, sought satisfaction before that forum, cannot absolve this Government from its obligation to fulfil its duties in regard to a citizen of the United States resident in the country; and, whatever may have been his indiscretions, he is liable to the penalties of the law for his improper acts; but they will not excuse, much less justify, his persecutions at Minatillan and elsewhere.

In the case of the schooner *Brazoria*, the undersigned is happy to see a recognition of its justice. He would, however, beg leave to say, that the valuation of the vessel, at the time of her impressment into the service of the colonists of Austin, must be considered the standard of indemnity, and not the product of her actual sale, under an order of the Mexican Government, after she had been seriously damaged during twelve months' service in time of war.

In reference to the claim of Aaron Leggett, your excellency states, that after an examination of the case, it appears that according to contract, and in virtue of the privilege granted to the steamboat of complainant, it was his duty to transport, gratis, national troops whenever required by the public service. From the third article of the decree of the Congress of Tabasco, bearing date the 18th of November, 1831, it will be seen that "William H. Brown, or those who exercise his rights and interests, (Leggett claims under Brown,) are under obligation to take on board such boats, troops and correspondence of the nation, to any navigable point of the State whatever, without any compensation: provided, such troops are ready to march from the places whence any boat of those mentioned is to start, and it be on the same day of her starting." So soon as the grantee of the steamboat privilege in question fulfilled the precedent conditions required by the decree of Congress, his rights to the benefit of the law became vested, and no subsequent act of the State of Tabasco, or of the Federal Government, could deprive him of them without incurring the just responsibility of remuneration. The forcible seizure and detention of the *Hidalgo* on the 2d of July, 1832, by order of the commandant general of Tabasco, and her employment in the public service until some time in August thereafter, to the great detriment of her owner, were not warranted either by the letter or the spirit of the law conceding to Mr. Leggett the exclusive privilege to introduce and navigate all kinds of steamboats in all the rivers, creeks, and lakes, belonging to the territory of the State, for the term of ten years. He was only bound by the terms of the grant to convey boats, troops, and correspondence to any navigable point within the State: *provided, however*, that the troops were ready to march on the day appointed for the sailing of the boat. This agreement to perform a particular service, under limited restrictions, certainly gave no authority to take possession of the *Hidalgo*, and appropriate her exclusively to the use of the State. These proceedings have been ruinous to Mr. Leggett. He had, under charter-parties, contracted to load six or eight vessels with logwood, at San Juan Batista, in the months of June and July, in the year 1832; but was wholly unable to do so in consequence of the seizure of the steamboat *Hidalgo*, the schooner *Consolation*, and the brig *John*, then engaged in freighting dyewoods from the interior to load said vessels. The supposed limited means of Leggett to accomplish this object, and to fulfil his contracts with others, though in the possession of his vessels, can in nowise justify the illegal acts of their seizure, whereby he was prevented from meeting all his engagements. The facilities afforded by the power of steam navigation, it cannot be doubted, would have enabled him to load and despatch all the vessels referred to in his memorial, had not the intervention of the superior power of the Government prevented it. This fact, it is believed, is clearly established by the statements of Wm. A. Brown, José Leonardo, and Francisco Abren, and Cesario and Francisco Dominguez, all of whom state that the contracts for logwood entered into by Brown and Gallagher, on account of Leggett, called

for the cuttings of 1831, and that there was a large quantity—some say fifty thousand quintals—on the banks of the rivers Usumacinta and St. Peter's, ready for delivery in June and July, 1832. Hence it is evident he could have complied with his contracts to the wood-cutters; and the injury arising from the failure to do so properly attaches to those who prevented it, and they are, upon every principle of justice and equity, responsible for the same. From these statements, resulting from documentary evidence in the possession of this legation, it appears your excellency has misapprehended the true state of this claim, and the ground upon which reclamation is asked in favor of the memorialist. The justice of it is manifest, and the corresponding obligation of the Mexican Government to liquidate the same arises out of treaty stipulations, which never will be disregarded by a wise and just nation. It was so admitted by his excellency General Antonio Lopez de Santa Anna, soon after his elevation to the executive chair of the republic, who conveyed to the predecessor of the undersigned the expression of his regret that the condition of the public treasury was such as not to enable him to order the immediate reimbursement of the losses sustained by Mr. Leggett, as set forth in his memorial.

In the case of the brig *Ophir*, documents in this office satisfactorily prove, that Captain Brittingham was provided with his general manifests; that it was the fault of the officer who boarded the vessel on her arrival that they were not exhibited at the custom-house; and that they were produced as soon as practicable after the captain was made acquainted with their importance, and the necessity of their production in order to save his vessel from condemnation. The very fact of the judgment of the inferior court, before which the cause was first brought, having been reversed, is sufficient proof of its injustice, and leaves clear the responsibility of this Government to indemnify the owners for the loss of time and property occasioned by its agents, who arraigned an innocent person upon charges which they were unable to establish.

As regards the "injurious and highly offensive protest" of Captain Brittingham against the officers and employees of this Government, your excellency having been pleased to bring the subject directly to the notice of the cabinet at Washington, the undersigned will leave its arrangement to that authority.

The detention of certain American vessels at Matamoras in the month of April last, was in violation of the eighth article of the treaty subsisting between the two nations. But even in the absence of such a guaranty, the admission of your excellency that the port was closed by incompetent authority is a satisfactory ground, upon general principles of maritime law, on which the reclamation for losses sustained by the owners can be maintained; and that they expect damages in the several cases of the brigs *Jane* and *Henry*, the schooners *Compeer* and *Nile*, and the sloop *Supply*. The undersigned will suggest that he cannot admit the impressions of this Government, as to whether or not the detention of said vessels was productive of injury, as the rule by which the question is to be decided; and that the fact of the embargo in question having extended to other vessels than those of the United States, does not legalize the act, without admitting the corresponding indemnification due under such circumstances.

A condensed summary of the wrongs inflicted upon citizens of the United States, in the note of the undersigned of the 26th of September last, to which your excellency seems to think it will be unnecessary to

make answer without further specification, is nothing more than the embodied substance of the cases previously referred to in that note, scarcely one of which has been satisfactorily answered by the Supreme Mexican Government.

Your excellency has taken occasion to state that the Mexican Government "cannot be indifferent to the crimination which is made in the note of the Hon. P. Ellis," wherein it is constituted "the author of illegal, arbitrary, and violent acts." The undersigned cannot refrain from expressing his regret, that the acting Minister of Foreign Affairs should have permitted himself to fall into this (no doubt unintentional) error. By a reference to that note, it will be seen, there is no such charge advanced against the Mexican Government, but it has been most unequivocally made against its officers; and the indisposition or omission of the constituted authorities here to check their aggressions on the rights of a neutral nation, have led to reclamations on the part of the United States, characterizing the acts of the offenders in terms suited to the nature of their delinquency. This is all that has been said; nor is he aware of its injustice, since it has not been shown that the alleged charge of the firing into the *Paragon* and *Hannah Elizabeth*, by officers bearing the commission of this Government, were not acts of violence, inconsistent with the friendly relations existing between the two countries. These have been represented as such long since; the first on the 10th of August, 1834, and the other on the 30th of May last; and the reason assigned for the protracted delay, in rendering a just response to the statements made touching these outrages, is, that the appropriate department has not furnished the necessary documents for that purpose. Other cases equally aggravated and injurious to the honor and interests of the United States have not been noticed. Still it is urged, "not one single act can be adduced in which the Supreme Mexican Government has manifested, even remotely, a disposition in the least unfavorable to the preservation and extension of friendly political relations with foreign powers!" It is not the wish or design of the Government of the United States to cast reproaches upon that of Mexico; nor can it, consistently with the uniform policy heretofore observed towards this country, admit the correctness of those imputed to it on the present occasion. The assurance given that Mexico is disposed, as she ever has been, to fulfil her obligations as prescribed by the law of nations and special treaties, is received with that respect due to the high source from whence it emanates. But it may be with deference asked, if all the duties enjoined by such high sanctions have been fulfilled, why have not the numerous reclamations presented by the Hon. Mr. Poinsett and Mr. Butler for the last ten years, been favorably received and acknowledged to be just, or rejected without delay? Surely all of them are not founded in the fraudulent practices of contrabandists, who seek to advance their fortunes in violation of the laws of the country, and at the hazard of jeopardizing the peace and tranquillity of two friendly nations! It is not the intention of the undersigned to protect, or justify, any of his countrymen who have so far transgressed as to render themselves obnoxious to the laws of the country affording them protection during their temporary residence in it; but he cannot remain insensible to the charge made against them of being notorious smugglers. Such is not the character of the American merchants in the United States, and it is wholly inconceivable how they should have fallen into such disgraceful practices at so early a period after their arrival within the limits

of the Mexican territory. Charges of this kind have been repeatedly made in the public prints of this country ; thus presented, they have been considered unworthy of notice ; but when they are countenanced and indirectly sanctioned by the authority of the Supreme Government, conveying, as they do, the injurious imputation that the President of the United States, with a full knowledge of these facts, is urging claims founded in fraud and corruption, it becomes necessary, from a high sense of duty, to repel them as utterly unfounded. The remarks referred to were the more surprising, since the undersigned distinctly informed his excellency the acting Minister of Foreign Affairs, in his note of September last on this subject, that he was instructed by the President of the United States to press these claims on the Mexican Government for final adjustment.

In speaking of the causes of complaint on the part of this Government against that of the United States, Mr. Monasterio has referred to the arrest and trial of Thompson and O'Campo, of the schooner *Correo*, as an "undeniable insult inflicted on the Mexican flag." In that case, it is well known the Government of the United States did not order the prosecution of Thompson and O'Campo. It is equally well known, said Thompson was discharged by order of the district court of the United States for the eastern district of Louisiana, when the person who had him arrested for supposed piracies committed on American vessels failed to prove the allegations brought against him. The schooner was at the same time restored to the Mexican consul in New Orleans.

The *Correo* was captured by a merchant vessel, the *San Felipe*, and taken to New Orleans, where Captain Hurd and others made oath that Thompson had attacked the *San Felipe*, with a felonious intent to rob said vessel, contrary to the provisions of the act of Congress of the 3d March, 1825, and it therefore became the imperative duty of the district attorney of the United States to prosecute the person thus charged. If the court had proceeded to the condemnation and punishment of the accused, and the confiscation of his vessel, contrary to law and evidence, (she being regularly commissioned in the service of this Government,) there might be some pretext for an inquiry into the case, with a view to ask explanations of the United States. But this will not be said, as Thompson failed to produce such commission on his trial, to give color of authority to his acts. Hence it is, as the national character of the vessel was not established by adequate proof, there could be no ground for interference on the part of your excellency in favor of one who had thrown himself beyond the protection of the law of nations in his attack on the *San Felipe*, and much less could the President of the United States be called on to interpose and screen him from the penalties of the law. No nation has a right to call on another to respect her flag in the person of an individual sailing on the high seas without suitable papers to show his true character, after he has been captured for a violation of the neutral rights of others. But, admit for a moment that the commander of the *Correo* bore a commission from the Mexican Government ; yet the flag raised by virtue of such authority gives no protection to him, if his acts are piratical. It is true he was discharged, not acquitted ; and it appeared on the trial that his conduct had not been of such a character as to entitle him to the favorable consideration of the jury, some of whom entertained the opinion that he had been guilty of piratical practices, and ought to be punished ; but the interposition of the authority of the judge set the offender at liberty. It cannot then be

well conceived upon what principle his trial, discharge, and the restoration of his vessel, can be urged as an insult to the Mexican flag.

Your excellency requests that a full statement of all claims on the part of citizens of the United States may be presented for consideration ; but, from the manner in which those already in the possession of this Government have been disposed of, the undersigned can see no good likely to result from such a course. If those that might be presented should be all acknowledged as just, yet so long as the several cases of unprovoked and inexcusable outrage inflicted on the officers and flag of his country which have been heretofore submitted to the Mexican Executive remained unsatisfactorily answered, he would have but one course to pursue ; nor could he find himself justified in departing from it, when he remembers, in connexion with the past, the recent occurrences at Vera Cruz in the seizure of the American brig Fourth of July, and the reappointment of the former commandant general of Santa Anna de Tamaulipas to an important military post.

The first was in disregard of every principle of public law ; and, in the second, it cannot have been forgotten that the functionary was but lately removed from office, for his arbitrary imprisonment of an officer and boat's crew of the United States cutter Jefferson, with a promise, as one of the express conditions had in the arrangement of the affair, that further and exemplary punishment should be visited upon the offender. Instead of punishment, he has received reward. With all these facts before him, the undersigned entertains no hope of a satisfactory adjustment of the questions in controversy between the United States of America and Mexico. He has patiently waited three weeks for some evidence of a more favorable disposition to render justice to his injured country, but he has waited in vain ; and, whatever may be the consequences, he now feels it to be his duty, in compliance with instructions, to request that his excellency the President *ad interim* will be pleased to furnish him with the necessary passports to leave the Mexican republic, and that suitable orders may be given for a guard to protect him on the road to Vera Cruz.

The undersigned profits of this occasion to tender his excellency the acting Minister of Foreign Affairs the assurance of his high and distinguished consideration.

POWHATAN ELLIS.

To His Excellency JOSE MARIA ORTIZ MONASTERIO,  
*Acting Minister of Foreign Affairs.*

No. 57.

*Mr. Ellis to Mr. Monasterio.*

LEGATION OF THE UNITED STATES OF AMERICA,  
*Mexico, December 22, 1836.*

The undersigned, chargé d'affaires of the United States of America, has the honor to inform your excellency, that he will take his departure from this capital on Monday morning next at 4 o'clock, for Vera Cruz ; and he requests that his excellency the President *ad interim* of the Mexican republic will be pleased to furnish him with his passports on the 24th

instant, and that orders may be given for a suitable guard to escort him on the road to his destination.

The undersigned begs leave to renew to his excellency José Maria Ortiz Monasterio, the acting Minister of Foreign Affairs, the assurance of his most distinguished consideration and high personal esteem.

POWHATAN ELLIS.

To His Excellency JOSE MARIA ORTIZ MONASTERIO,  
*Acting Minister of Foreign Affairs.*

No. 58.

*Mr. Ellis to Mr. Forsyth.—Extract.*

LEGATION OF THE UNITED STATES OF AMERICA,  
*Mexico, December 23, 1836.*

SIR: I do myself the honor, herewith, to transmit a copy of the correspondence between his excellency the acting Minister of Foreign Affairs of this republic, and myself, in the case of the American schooner Bethlehem, seized at Campeachy; also, Mr. Monasterio's reply to my note of the 15th of September last, in the case of the schooner Peter D. Vroom; also, that to my note of the 20th of September, in the case of the brig Aurora; and, also, a reply from the same to my note of the 9th of September, in the case of William Hallett and Zalmon Hull.

I have the honor to be,

With the greatest respect,

Your obedient servant,

POWHATAN ELLIS.

Hon. JOHN FORSYTH,  
*Secretary of State, Washington City.*

No. 59.

*Mr. Ellis to Mr. Monasterio.*

LEGATION OF THE UNITED STATES OF AMERICA,  
*Mexico, November 14, 1836.*

The undersigned, chargé d'affaires of the United States of America, has the honor to represent to your excellency, that it again becomes his duty to notice an aggression on the flag of his country by the authorities of the Supreme Mexican Government.

The American schooner Bethlehem, S. H. Moore, master, with a cargo regularly despatched from the Balize, Honduras, for Tampico, was forced, by want of water and provisions, towards the close of August last, to put into the port of Campeachy. Whilst proceeding thither, she was, on the 2d of September, boarded by Captain Thompson, of the Mexican navy, who took possession of the schooner, and sent her master, crew, and papers, on board the flag ship of the Mexican squadron in the Gulf of Mexico. They were



there detained (some of the sailors in irons) until the 22d of the same month, when the master and crew were released from their imprisonment, but the papers were retained by the commander of the squadron.

On the landing of Captain Moore, he was notified by an escribano that his vessel had been condemned by the district court to be confiscated, and he to be banished five years from the trade.

The schooner is now in the use of the Mexican squadron as a store-ship. These proceedings were had without the party accused (the master) being present at his trial, or informed of the charges alleged against him, or heard in his defence, either personally or by counsel; and he was, both before and after his trial, refused a copy of the *espediente* which had been drawn up against him, and which purported to contain the grounds upon which his own and his vessel's condemnation were based.

The undersigned requests that your excellency will be pleased to order a copy of all the judicial proceedings had in this case to be furnished to the parties interested; that you will further institute an investigation as to the legality of these proceedings; and that, if they be found erroneous, you will cause the vessel, her cargo, and papers, to be forthwith delivered over to the master, with equitable damages for their detention.

The undersigned again presents to your excellency the assurance of his personal esteem and consideration.

POWHATAN ELLIS.

To His Excellency JOSE MARIA ORTIZ MONASTERIO,  
*Acting Minister of Foreign Affairs.*

No. 60.

*Mr. Monasterio to Mr. Ellis.*

PALACIO DEL GOBIERNO NACIONAL,  
*Mejico, 17 de Noviembre de 1836.*

El infrascrito, oficial mayor 1º encargado del despacho de la Secretaría de Relaciones, tiene el honor de comunicar al Hon. Señor Powhatan Ellis, que hoy se transcribe al Ministerio de Justicia, para que dicte la resolución conveniente, su nota de 14 del actual, relativa a la acaecido en Campeche de la goleta Norte Americana Bethlehem, cuyo resultado comunicara el que suscribe a su señoría; reproduciéndole, entretanto, las protestas de su muy distinguida consideración.

JOSE MARIA ORTIZ MONASTERIO.

Al Hon. Señor POWHATAN ELLIS,  
*Encargado de Negocios de los E. U. de America.*

No. 61.

*Mr. Monasterio to Mr. Ellis.*

[TRANSLATION.]

PALACE OF THE NATIONAL GOVERNMENT,  
*Mexico, November 17, 1836.*

The undersigned, chief clerk, acting Secretary of Relations, has the honor to inform the Hon. Powhatan Ellis, that, with a view to a convenient

decision upon the matter, he has referred to the Minister of Justice his note of the 14th instant, relative to the transaction at Campeachy, in which the North American schooner Bethlehem was concerned. The undersigned will communicate the result to your excellency, and meanwhile offers assurances of his very distinguished consideration.

JOSE MARIA ORTIZ MONASTERIO.

To the Hon. POWHATAN ELLIS,

*Chargé d'Affaires of the United States of America.*

No. 62.

*Mr. Monasterio to Mr. Ellis.*

PALACIO DEL GOBIERNO NACIONAL,  
*Mejico, 21 de Noviembre de 1836.*

El infrascrito, oficial mayor 1º de la Secretaría de Relaciones, encargado de su despacho, tiene el honor de comunicar al honorable Señor Powhatan Ellis, que por el Ministerio de Justicia se le han transmitido los informes correspondientes acerca del asunto de la goleta Americana *Peter D. Vroom*, a que se referia la nota que el honorable Señor Ellis dirigió al que subscribe con fecha 15 de Setiembre ultimo. El relato de esta, en cuanto á lo acaecido con ese buque, esta conforme con lo que aparece de dichos informes, pero difiere en el aspecto bajo que se representa la conducta observada por el tribunal mercantil de Vera Cruz, con la que ha tenido respecto del consul de los Estados Unidos en aquel puerto. Hecho un abandono formal del cargamento por Don Cresencio Boyes, á quien venia consignado, el tribunal, conforme á lo que esta prevenido, debio proceder, y procedió en efecto, á nombrar una persona que encargandose de aquel, practicase todo lo demas conducente hasta su venta, y deposito del producto de esta á favor de los dueños ó aseguradores del buque, y el referido consul debio obrar de acuerdo con ella, pues es á lo que se limitan sus funciones en casos de esa naturaleza. El nombramiento de esa persona depositaria, no habria tenido lugar se hubiese habido alguna otra que se hallase con poderes de los espresados dueños ó aseguradores, el consul no los tenia, por consiguiente no podia, recaer en el aquel encargo, y esto es lo que ha dado origen á la queja que ha elevado al honorable Señor P. Ellis, pero ya se ve que el tribunal, sin ese requisito, no debio concederle el deposito del cargamento, como reclamaba, pues por solo su caracter consular, no le competia, y que no se hallaba con los poderes necesarios, es muy claro, pues confeso desde un principio, que ni aun conocia ó sabia quienes eran los aseguradores de dicho buque, ni los presente despues, por que si lo hizo de una carta particular del capitán del mismo. Mr. E. T. Kelley fué con otro motivo, y despues de vendidos los efectos salvados del naufragio de la *Peter D. Vroom*.

Resulta de lo espuesto, que el consul de los Estados Unidos no tenia derecho alguno para solicitar que se le entregase el deposito y manejo del cargamento en cuestion; que el tribunal mercantil de Vera Cruz se lo nego, fundado precisamente en las ordenes del Supremo Gobierno de 26 de Agosto y 4 de Octubre de 1831, que cita en su nota el honorable Señor Ellis, por que estas conceden á los consules estrangeros la intervencion

para el acuerdo, mas no el manejo de los intereses y la comision en casos como el de que se trata, y no siendo un apoderado legitimo de los interesados, prétendio una cosa que bien debio suponer no habia de concedersele por ser contraria á las disposiciones de la materia.

El referido consul, debio por tanto, ceñirse al ejercicio de sus funciones, sin querer representar otro caracter que no le correspondia, pero muy lejos de esto, mirando que el tribunal no se lo concedia, se nego absolutamente a cumplir con aquellas, pues fueron inutilis cuantas gestiones se hicieron á fin de que prestase su acuerdo é intervencion para el reconocimiento, venta, &c. &c. del cargamento. En esto ha cometido una falta, que sin duda le sera estrañada, por el honorable Señor P. Ellis haciendole las prevenciones conducentes para que no se repita, y cumpla con los deberes que le estan impuestos, sin abandonarlos por pretenciones inopórtunas é infundadas.

La de que se trata, lo era sin duda, segun queda manifestado, y como se convencera, el honorable Señor encargado de negocios de los Estados Unidos con el hecho solo de que el consul en Vera Cruz, no era representante legitimo de los dueños ó aseguradores de la goleta *Peter D. Vroom*, pues o que no podra exhibir el poder que lo acredite, ó si lo hiciese ahora, no justificaria que lo verifíco en tiempo oportuno ante el tribunal que conocio en el asunto, en cuyo unico caso, sino se le hubiese admitido, tendria razon de quejarse de los procedimientos de aquel.

El infrascrito, antes de concluir esta nota, debe llamar atencion del honorable Señor P. Ellis á una representacion, que se ha dirigido al Supremo Gobierno, con los justificantes respectivos por Don Crescencio Boves, consignatario de la goleta *Peter D. Vroom*, quejandose de que el consul de los Estados Unidos en Vera Cruz se ha negado á espedirle la copia que debe otorgarle de la protesta hecha en su oficina sobre el naufragio de la misma, por su capitan Mr. E. T. Kelley, y como su negativa no puede apogarse en razon alguna de justicia, por que se trata de un documento que no esta en su arbitrio reusar á parte legitima, como lo es el Señor Boves y cualesquiera que sean las diferencias ocurridas entre el tribunal mercantil de Vera Cruz, con respecto al cargamento de dicho buque, S. E. el Presidente ha visto con mucho sentimiento esa resistencia, con que tanto se perjudican los intereses de un Mejicano, y asi es que se promete de la justificacion del honorable Señor Ellis, se sirva prevenir á aquel funcionario proceda sin demora alguna á expedir el certificado de que se habla. El infrascrito aprovecha la ocasion para reproducir al Señor encargado de negocios de los Estados Unidos de America las seguridades de su muy distinguida consideracion y aprecio.

JOSE MARIA ORTIZ MONASTERIO.

Al Hon. Sr. POWHATAN ELLIS,

*Encargado de Negocios de los Estados Unidos de America.*

No. 63.

*Mr. Monasterio to Mr. Ellis.*

[TRANSLATION.]

PALACE OF THE NATIONAL GOVERNMENT,

*Mexico, November 21, 1836.*

The undersigned, acting Minister of Foreign Affairs, has the honor to announce to the Hon. Powhatan Ellis that he has received, through the

Department of Justice, the corresponding information in the case of the American schooner *Peter D. Vroom*, which formed the subject of the note addressed by the Hon. Mr. Ellis to the undersigned, under date of the 19th of September last. The relation therein made, so far as regards the incidents touching this vessel, corresponds to that which appears from the information aforesaid, but differs in the aspect under which the conduct observed by the mercantile tribunal of Vera Cruz is represented, as well as that observed by the consul of the United States for that port. A formal abandonment of the cargo having been made by Mr. Crecencio Boves, to whom it came consigned, the tribunal, in fulfilment of its duties, ought to have proceeded, and in fact did proceed, to name a person to take charge of the same, with power to effect a sale, and deposit its product in favor of the owners or insurers of the vessel; and the consul aforesaid ought to have co-operated in such measures, since it is to this his functions are limited, in cases of this nature. The nomination of this person as depositary would not have been made, if there had been any other possessed of powers of agency from said owners or insurers. The consul had none such, consequently this charge could not fall upon him; and this it is that has given rise to the complaint advanced by the Hon. Mr. Ellis; but he will now see that the tribunal, without this requisite, could not grant to the consul the deposit of the cargo, as he demanded, since, from his consular character alone, it was not competent to him; and that he was not provided with the necessary powers, is very clear, since he confessed from the beginning that he neither knew nor could he conjecture who were the insurers of said vessel; nor were they afterwards presented, because, although he had a private letter from the captain of the same, Mr. E. F. Kelley, it was for another object, and to be used after the sale of the effects saved from the wreck of the *Peter D. Vroom*.

It results from this exposition, that the consul of the United States had no right to ask that he should be intrusted with the deposit and management of the cargo in question; that the mercantile tribunal of Vera Cruz denied his request, founded precisely upon the orders of the Supreme Government of the 26th of August and 4th of October, 1831, which the Hon. Mr. Ellis quotes, inasmuch as these grant to foreign consuls an intervention in the proceedings, but not the management of the interests and commission in cases like that referred; and that, not being the legal attorney of the parties interested, he pretended to a thing which he might have well supposed would not be granted, because of its being contrary to the legal provisions in the case.

The consul in question ought, therefore, to have confined himself to the exercise of his functions, without seeking to represent another character which does not belong to him; but very far from this, seeing that the tribunal would not grant it to him, he positively refused to comply with them, for all the exertions which were made to obtain his consent and co-operation in the acknowledgment of the court record of the sale, &c., proved ineffectual. In this he has committed a fault, which, without doubt, will be reprimanded by the Hon. Mr. Ellis, taking proper precautions that he shall not repeat the same, and that he shall conform to the duties which are prescribed for him, without abandoning them for inappropriate and unfounded pretensions.

That now referred to was unquestionably such as has been already shown, and as the honorable chargé d'affaires of the United States will be

convinced, by the simple fact that the consul at Vera Cruz was not the lawful representative of the owners or insurers of the schooner Peter D. Vroom, inasmuch as he could not exhibit the power which accredited him as such; or, if he should now do so, it could not justify his course at the proper time before the tribunal who had cognizance of the affair; in which only case, except he had been admitted as the representative, could he have reason to complain of their proceedings.

The undersigned, before concluding this note, ought to call the attention of the Hon. P. Ellis to a representation which has been addressed to the Supreme Government, with the respective justification, by Mr. Crecencio Boves, the consignee of the schooner Peter D. Vroom, complaining that the consul of the United States at Vera Cruz had refused to furnish him with a copy, as he ought to have done, of the protest made in his office upon the wreck of the same, by her captain, Mr. E. F. Kelley; and as this negative cannot be founded in any reason of justice, because of its being a document which it was not at his option to withhold from the legitimate party, as is Mr. Boves, and whatever may have been the differences between the said consul and the mercantile tribunal of Vera Cruz, with respect to the cargo of said vessel, his excellency the President has seen with much regret this resistance, which so seriously affects the interests of a Mexican; and he, therefore, promises himself, from the justice of the Hon. Mr. Ellis, that he will be pleased to instruct that functionary to proceed without delay to make out the certificate in question.

The undersigned improves this occasion to renew to the chargé d'affaires of the United States of America the assurance of his very distinguished consideration and esteem.

JOSE MARIA ORTIZ MONASTERIO.

To the Hon. POWHATAN ELLIS,

*Chargé d'affaires of the United States of America.*

No. 64.

*Mr. Monasterio to Mr. Ellis.*

PALACIO DEL GOBIERNO NACIONAL,  
México, 30 de Noviembre de 1836.

El infrascrito, oficial mayor 1º, encargado del despacho de la Secretaría de Relaciones, ha recibido una comunicacion del Ministerio de Justicia, relativa a lo ocurrido en Campeche con respecto al bergantin Americano *Aurora*. De ella se deduce, que el consul de los Estados Unidos en aquel puerto, calumnió al juez de distrito de Yucatan, cuando aseguró al honorable Señor Ellis que le habia negado la copia que pidió de los procedimientos judiciales referentes al asunto de dicho buque, pues consta que se le libró a pesar de haberla solicitado, cuando apenas se comenzaban las actuaciones, siendo asi que hay una ley que previene, que solamente despues de concluido el pleito á la causa, le espedan á los interesados los testimonios que pieren, y se le dió tambien, no obstante de que su peticion no se presentó en el idioma del pais, y en el papel sellado respectivo; cuyas formulas son indispensables en los tribunales del pais, y deben sujetarse a ellas tanto los Mejicanos como los extrangéros, mas el juez de distrito las dispensó por

esa vez al consul Americano, en ahorro de contestaciones desagradables, aunque con la advertencia de que era sin ejemplar la admision de tales peticiones informales, y desconocidas en la practica.

Expedida pues, la copia de que se trata desde 4 de Mayo del presente año, y habiendosele avisado al consul referido que ocurriese por ella ya vera el honorable Señor Ellis la falta de verdad con que acusó ante su señoria al juez de distrito, por habersela negado, suponiendo en esto una infraccion del tratado existente entre esta republica y los Estados Unidos de America, lo que hay de cierto es, que el consul, se ha negado a recibir la copia expresada, dejandola en la escribania del juzgado, y negandose á pagar los derechos respectivos, diciendo que de nada le servia, respecto á no estar finalizado el asunto, y que cuando lo estuviese, pediria se le librase un testimonio general del espediente. Estos tortuosos manejos de aquel funcionario, las insultantes protestas, que ha dirigido al juez de distrito, segun este informa al Supremo Gobierno, y la ligereza con que inculpa y acrimina á aquellas autoridades, sin el menor motivo, como sucede en el presente caso, obligán á S. E. el Presidente interino á sôlicitar que por el respetable conducto del honorable Señor Ellis, se hagan los extrañamientos justos que merece su conducta, y las prevenciones conducentes para que no se rejuta y obre siempre, en los negocios que ocurran, con la armonia y acuerdo que son tan necesarias, y de que desgraciadamente se ha desruido, segun aparece de lo expuesto, y de lo que el intrascrito participó al honorable Señor encargado de negocios en su nota 20 de Mayo ultimo, referente al mismo asunto del bergantin *Aurora*.

El que suscribe al hacer esta comunicacion á su señoria, como resultado de la que le dirigió en 20 de Setiembre proximo pasado, tiene el honor de reproducirle las seguridades de su muy distinguida consideracion y aprecio.

JOSE MARIA ORTIZ MONASTERIO.

Al Honorable Señor POWHATAN ELLIS,

*Encargado de Negocios de los Estados Unidos de America.*

No. 65.

*Mr. Monasterio to Mr. Ellis.*

[TRANSLATION.]

PALACE OF THE NATIONAL GOVERNMENT,  
*Mexico, November 30, 1836.*

The undersigned, chief clerk, acting Secretary of Relations, has received a communication from the Minister of Justice relative to the occurrence at Campeachy with respect to the American brig *Aurora*. Whence it appears, that the consul of the United States at that port calumniated the district judge of Yucatan, by assuring the Honorable Powhatan Ellis that the judge, upon his demand thereof, had refused him a copy of the judicial proceedings in relation to the said vessel; for they were delivered at his request when the suit was scarcely commenced, although there is a law which provides that the parties concerned shall not receive such papers which they may ask for, until the cause shall be concluded. The papers referred to were given to the consul, too, notwithstanding his petition for

them was not couched in the language of the country, or written upon the proper stamped paper; which formalities are indispensable in the courts of the country, and are binding as well upon foreigners as Mexicans; but the judge of the district dispensed with them on this occasion, in favor of the American consul, through abhorrence of disagreeable disputes, although aware that the admission of such informal petitions was without a precedent, and unknown in practice.

The copy in question having been, therefore, ready since the 4th of May of the present year, and the consul aforesaid having been advised that it was at his disposition, the Honorable Mr. Ellis will now see the want of truth with which that functionary has complained to his excellency against the judge of the district for having denied the same, thereby inducing the belief that an infraction of the treaty existing between this republic and the United States of America had been committed. What is certain is, that the consul refused to receive the copy alluded to, leaving it in the office of the clerk of the court; and refused to pay the respective charges, saying that it would avail him nothing, because the trial was not concluded, and that, as soon as it was, he would ask for a complete copy of all the proceedings. These double-dealings on the part of that functionary; the insulting protests which he addressed to the judge of the district, as the latter has informed the Supreme Government; and the wantonness with which he blames and criminales the authorities, without the least foundation, as is seen in the present case, oblige his excellency the President *ad interim* to request that the honorable Mr. Ellis will convey to him the expression of that just disapprobation which his conduct merits, and take such measures as will prevent a repetition of it, and cause him to conduct himself in all future transactions with that harmony and co-operation which are so necessary, and from which he has so unfortunately deviated, as appears from this exposition, and as the undersigned informed the honorable chargé d'affaires in his note of the 30th of May last, referring to this same subject of the brig Aurora.

The undersigned, in making this communication to the honorable Mr. Ellis, as resulting from that which he addressed to the undersigned on the 20th of September last past, has the honor of renewing to him the assurance of his very distinguished consideration and esteem.

JOSE MARIA ORTIZ MONASTERIO.

To Honorable POWHATAN ELLIS,

*Chargé d'Affaires of the United States of America.*

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No. 66.

*Mr. Monasterio to Mr. Ellis.*

PALACIO DEL GOBIERNO NACIONAL,  
*Méjico, 13 de Diciembre de 1836.*

El infrascrito, oficial mayor 1º encargado del despacho de la Secretaría de Relaciones, tiene el honor de comunicar al Hon. Señor Powhatan Ellis que el Señor General Don José Urrea, á quien se pidió informe acerca del arresto que se impuso en Matamoros en Febrero ultimo á los ciudadanos de los Estados Unidos, W. Hallett y Zalmon Hull, ha manifestado lo que consta, en

la copia adjunta que el que suscribe pone en conocimiento del Hon. Señor Ellis, añadiéndole que no llenándose con esas noticias los deseos del Supremo Gobierno para aclarar esos hechos, se han pedido otros mas circunstanciadas á la comandancia general de aquel departamento, y el resultado de ellas lo transmitira el infrascrito al Hon. Señor encargado de negocios de los Estados Unidos del norte, á quien entretanto reproduce las seguridades de su muy distinguida consideracion y aprecio.

JOSE MARIA ORTIZ MONASTERIO.

Al Hon. Señor POWHATAN ELLIS,

*Encargado de Negocios de los Estados Unidos de America.*

No. 67.

*Mr. Monasterio to Mr. Ellis.*

[ TRANSLATION. ]

PALACE OF THE NATIONAL GOVERNMENT,  
*Mexico, December 13, 1836.*

The undersigned, chief clerk, acting Secretary of Relations, has the honor to inform the Hon. Powhatan Ellis that General José Urrea, of whom information was requested relative to the arrest at Matamoras, in February last, of William Hallett and Zalmon Hull, citizens of the United States, has made the communication, a copy of which is annexed, for Mr. Ellis's information, by the undersigned; who adds, that as this intelligence does not fulfil the wishes of the Supreme Government, with regard to an explanation of the acts in question, a more circumstantial account has been required of the commandant general of that department, the result of which requisition the undersigned will transmit to the honorable chargé d'affaires of the United States of the north, to whom he renews the assurances of his very distinguished consideration and esteem.

JOSE MARIA ORTIZ MONASTERIO.

The Hon. POWHATAN ELLIS,

*Chargé d'Affaires of the United States of America.*

No. 68.

*Mr. Tornel to Mr. Monasterio.*

SECRETARÍA DE GUERRA Y MARINA,  
*Mejico, 6 de Diciembre de 1836.*

El ecelentísimo Sôr. Gen. Don José Urrea, en oficio de 4 del actual, me dice lo que sigue:

“ECSELENTÍSIMO SÔR: Antes de anoche recibí la nota de V. E. de 29 del ultimo Noviembre, con el espediente que me acompañar, relativo á la queja producida por el Sôr encargado de negocios de los Estados Unidos del norte, á consecuencia del arresto que el 17 de Febrero del presente año se ejecutó en Matamoras en las personas de William Hallett y Zalmon



Hull, y cumpliendo con la prevencion que V. E. se sirve hacerme le informaré lo que tengo presente de aquel hecho.

Cuando yo arribé á Matamoras con la division que mandé en la campaña de Texas, se me aseguró que la mayor parte de los ciudadanos de los Estados Unidos del norte que residian en aquella villa, estaban en relacion con los que en Texas habia declarado la guerra á la nacion Mexicana, y que por este conducto se transmitió á los enemigos todas las noticias de nuestras fuerzas, operaciones, &c., que podian convenirles. Estando yo en el caso de evitar este mal, tomé las precauciones que eran de mi deber para lograrlo. La division de mi mando estaba al emprender la marcha sobre Texas, y se me habia informado que se preparaban los norte Americanos á dar aviso á los enemigos de mi salida de Matamoras, la fuerza que llevaba, y todo la demas que crean digno del conocimiento de aquellos. El mismo dia, 17 de Febrero citado, marcharon las fuerzas de mimando de Matamoras, con el objeto de encontrar al Dr. Grant, que con una partida enemiga se aprosimó á veinte leguas de aquella villa al estarse disponiendo la salida se me dió parte por un oficial de que algunos estrangeros marchaban en aquel momento para Texas; de acuerdo con el Sr. comandante que de aquellos departamentos dispusé que un oficial y un piquete de cuatro dragones, se mantuviesen en observacion, y que aprehendiese á los referidos estrangeros al salir de la referida villa. En efectó se noto que dos de ellos dejaban la poblacion, y en las orillas se les presentá la tropa; al momento echaron á correr queriendo escapar, la tropa los siguió y aprehendió en una casa donde se metieron. Se me dió parte, y se me entregaron algunos papeles, y unos pliegos que llevaban consigo. Lo puse todo en conocimiento del Sr. comandante, general citado, que dando á su disposicion los dos hombres aprehendido. Le averiguo luego, que uno de aquellos hacia su viaje con pasaporte del Sr. comandante militar de la plaza; se les devolvieron en el acto todos los papeles en el mismo estado que se les habian tomado. Los dragones habian asegurado unas bestias que encontraron en un corral de la casa en donde apretiendieron á los estrangeros temiendo que se les escapasen en ellos, esta se entregaron por mi orden instante que se me dió conocimiento del asunto. Despues de pasado todo aquel lance supimos que la casa en donde se habian aprehendido á los enunciados estrangeros, era la que habitaba el consul de Norte America en Matamoras, quien oficio sobre el asunto al Señor comandante general yo marché á la compañía y no supé el resultado, agregaré sin embargo que á mi salida de Matamoras supé que dos otros estrangeros que salieron de aquella villa por el camino del Brazo de Santiago, variando de rumbo habian tomado el de San Patricio, punto que ocupaban los enemigos, destagué una partida de dragones en su alcance y se logio aprehenderlos, se les encontraron pasaportes del Señor comandante militar, Coronel Don Mariano Guerra, pero eran con destino á las villas de Reynosa y Camargo—rumbo enteramente opuesto del que llevaban. Les hizé el debido cargo y dieron algunas disculpas que los hicieron sospechosos los remití tambien á Matamoras á disposicion del Señor comandante general, para que obrase segun correspondiese. Es cuanto puedo informar á V. E. sobre el particular y devolviendole el expediente de la materia, tengo el honor de repetirle las seguridades de mi aprecio."

Y tengo el honor de transcribirle á V. S. conforme á lo que le manifesté el 29 del proximo pasado con relacion á su oficio de 2 del mismo.

Dios y libertad.

TORNEL.

SR. OFICIAL MAYOR,

*Encargado del Despacho de la Secretaría de Relaciones.*

MEXICO, Diciembre 13, de 1836.

Es copia :

JOSE MARIA ORTIZ MONASTERIO.

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No. 69.

*Mr. Tornel to Mr. Monasterio.*

[TRANSLATION.]

DEPARTMENT OF WAR AND MARINE,  
*Mexico, December 6, 1836.*

His excellency General Joseph Urrea, in an official note of the 4th instant, reports to me as follows :

"EXCELLENT SIR: Night before last I received your excellency's note of the 29th of November last, with the accompanying representation, relative to the complaint made by the chargé d'affaires of the United States of the north, in consequence of the arrest of the persons of William Hallett and Zalmon Hull at Matamoras, on the 17th of February of the present year; and, in compliance with the call which your excellency has been pleased to make upon me, I report the following touching that transaction:

When I arrived at Matamoras with the division which I commanded in the campaign of Texas, I was assured that the greater part of the citizens of the United States of the north, resident in that city, were in alliance with those who in Texas had declared war against the Mexican nation; and that, in consequence, they were in the habit of transmitting to the enemy such information of our forces, proceedings, &c., as they might deem acceptable. Finding myself in a situation to prevent this evil, I took such precautions as it was my duty to take in order to do so. The division under my command was about marching upon Texas, and I had been informed that the North Americans were preparing to give notice to the enemy of my departure from Matamoras, the force which accompanied me, and all else that they might think worthy of communication to them. On the same day of the 17th of February before cited, the forces under my command marched from Matamoras, with the object of meeting Doctor Grant, who, with a portion of the enemy, had approached within twenty leagues of that city; and whilst making dispositions for their departure, I was informed by an officer that some strangers had that moment left for Texas. With the consent of the commandant general of those departments, I ordered that an officer and a detachment of four dragoons should keep themselves on the watch, and apprehend said strangers on their departure from the city aforementioned. In fact, it was observed that two of them did leave the city,

and present themselves on its outskirts in front of the detachment; they instantly fled, attempting to escape; the troop followed, and apprehended them in a house which they had entered. They reported to me what had occurred, and gave me some papers and despatches which the prisoners had with them. I communicated the whole to the commandant general aforesaid, placing at his disposition the two men who had been arrested. It presently appeared that one of them was provided with a passport for his journey from the military commandant of the plaza. All his papers were immediately returned to him in the same state in which they had been taken from him. The dragoons had secured some beasts which were found in the yard of the house in which the strangers were apprehended, fearing that they might escape upon them; these were returned by my order, as soon as I was informed of the circumstance. After the whole of the business was over, we ascertained that the house in which the strangers aforesaid had been arrested was that occupied by the consul of North America in Matamoras, who addressed an official note to the commandant general upon the subject. I marched for the campaign, and do not know the result. I will, however, add, that on my departure from Matamoras, knowing that two or three foreigners who had left that city by the way of Brazo de Santiago, leaving their route, had taken that to San Patricio, the point then occupied by the enemy, I despatched a party of dragoons in pursuit of them, and, upon their being apprehended, it was found that they had passports from the military commandant Colonel Mariano Guerra, but these were to allow their passage to the cities of Reynosa and Camargo—a route entirely different from that which they were pursuing. I submitted them to due examination, and some suspicious circumstances having turned up, I sent them also to Matamoras, to be placed at the disposal of the commandant general for such purpose as he might think fit. This is as much as I can inform your excellency upon the subject; and, returning the statement of the affair, I have the honor to renew to you the assurance of my esteem."

And I have the honor to transcribe it for your excellency, agreeably to what I informed you on the 29th ultimo, in relation to your official note of the 2d of the same month.

God and liberty.

TORNEL.

To the ACTING MINISTER OF FOREIGN AFFAIRS.

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No. 70.

*Mr. Ellis to Mr. Forsyth.*

LEGATION OF THE UNITED STATES OF AMERICA,  
*Mexico, December 27, 1836.*

SIR: Enclosed I forward, for your information, copies of two notes from Mr. Monasterio, the acting Minister of Foreign Affairs, addressed to this legation: one under date of the 21st instant, touching the withdrawal of Mr. Gorostiza from Washington city with his legation; and the other of the 24th, in reply to my note of the 22d of the same month, requesting to be informed of the causes which have led to my proposed departure from the Mexican republic. After my long correspondence with this Government (a copy of which has already been forwarded to the Department of State)

on the various subjects embraced in your instructions of the 20th of July last past, I can view such an inquiry in no other light than as an uncourteous refusal of my passports, and therefore deem an answer to it unnecessary.

I shall leave here to-morrow morning on my way to Vera Cruz, and will avail myself of the earliest opportunity to reach Washington city.

With undiminished respect, I have the honor to be,

Your obedient servant,

POWHATAN ELLIS.

HON. JOHN FORSYTH,

*Secretary of State, Washington City.*

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No. 71.

*Mr. Monasterio to Mr. Ellis.*

PALACIO DEL GOBIERNO NACIONAL,

*Mejico, 21 de Diciembre de 1836.*

El infrascrito, oficial mayor encargado del despacho de la Secretaría de Relaciones, cumpliendo con las ordenes que acaba de recibir del escelentísimo Señor Presidente interino de la republica, tiene el honor de dirigirse hoy al Señor P. Ellis, encargado de negocios de los Estados Unidos. para manifestarle que el Gobierno Mejicano, despues de haber oido detenidamente al Señor Don Manuel E. de Gorostiza, enviado extraordinario y ministro plenipotenciario, que fue de esta republica en dichos Estados, y despues de haber ecsaminado franca é imparcialmente toda la correspondencia que medió entre el y los Señores Forsyth y Dickins, con motivo de la violacion del territorio Mejicano por las tropas que mandaba el General Gaines, no ha podido menos de coincidir en un todo en el modo que tubo aquel enviado de avalorar una ofensa tan gratuita, y ha tenido de consiguiente que aprobar como lo ha hecho, el que se retirara de Washington con su legacion por haberse convencido de que no podia ya conseguir la justa satisfaccion que demandaba aun cuando para ello habia apurado antes cuantos argumentos y observaciones le sugieseron la razon y el derecho que le asistian.

El Gobierno Mejicano hubiera deseado, sin embargo, antes de fallar en ciesto modo sobre la conducta observada para su enviado en Washington, que el Señor Ellis le hubiera dado prevenidamente alguna de las esplicaciones que se anunciaban en la nota del Señor Dickins al Señor Gorostiza de 20 de Octubre ultimo, y cuyo unico objeto por parte de los Estados Unidos habia de ser el impedir desde luego toda posible mala inteligencia en materia tan grave. El Gobierno Mejicano ha esperado pues en silencio y por espacio de muchos dias la correspondiente comunicacion del Señor Ellis lisonjeandose de que en ella hallaria al cabo nuevas y positivas seguridades de que los Estados Unidos no habian querido ni querian ahora ofender voluntariamente, ni perjudicar realmente á una nacion vecina que en nada les habia faltado. Por desgracia el Señor Ellis no ha juzgado conveniente obrar asi hasta ahora; y el Gobierno del infrascrito no ha podido tampoco retardar ya por mas tiempo al Señor Gorostiza el acto de justicia que se le debia descargandole de la pesada responsabilidad que habia tomado sobre sus hombros.

El infrascrito puede asegurar con todo al Señor Ellis que su Gobierno no solo está pronto siempre á recibir las prometidas esplicaciones sobre el particular, sino que tambien desea con tanto anhelo como sinceridad que aquellas sean de la naturaleza mas amigable y equitativa.

El infrascrito aprovecha esta ocasion para renovar al Señor Ellis las seguridades de su muy distinguida consideracion.

JOSE MARIA ORTIZ MONASTERIO.

Al Hon. Señor POWHATAN ELLIS,

*Encargado de Negocios de los Estados Unidos de America.*

No. 72.

*Mr. Monasterio to Mr. Ellis.*

[TRANSLATION.]

PALACE OF THE NATIONAL GOVERNMENT,  
*Mexico, December 21, 1836.*

The undersigned, acting Minister of Foreign Affairs, in compliance with orders which he has received from the excellent President *ad interim* of the republic, has the honor now to address Mr. P. Ellis, chargé d'affaires of the United States, in order to inform him that the Mexican Government, after having heard attentively Don Manuel E. de Gorostiza, late envoy extraordinary and minister plenipotentiary of this republic in said States, and after having examined frankly and impartially all the correspondence which passed between that gentleman and Messrs. Forsyth and Dickins, in consequence of the violation of the Mexican territory by the troops under the command of General Gaines, cannot but coincide in every respect with what that envoy has done in resisting so uncalled-for an offence; and it has therefore approved, as he has done, his withdrawal from Washington with his legation, because of having been convinced that he could not obtain that just satisfaction which he demanded, notwithstanding he was supported by every argument and observation which reason and right could suggest.

The Mexican Government had, nevertheless desired, before acting in a definitive manner upon the conduct observed by its envoy in Washington, that Mr. Ellis should have previously given those explanations which were promised in the note of Mr. Dickins to Mr. Gorostiza, of the 20th of October last—the only object of which, on the part of the United States, should have been to prevent from the beginning all possible misunderstanding in so grave a matter. The Mexican Government has therefore awaited in silence, and for the space of many days, the corresponding communication from Mr. Ellis; flattering itself that in it would be found at last new and positive assurances that the United States have never desired, nor do they now desire, to offend voluntarily, nor really to injure a neighboring nation who has been wanting in nothing to them. Unfortunately, Mr. Ellis has not thought proper thus to act, up to this time; and the Government of the undersigned cannot longer delay awarding to Mr. Gorostiza that act of justice which it owes to him, in relieving him from the weight of responsibility which he has taken upon his own shoulders.

The undersigned can with truth assure Mr. Ellis, that his Government has not only been always ready to receive the promised explanations upon this particular, but that it has moreover desired, with as much anxiety as sincerity, that they might be of the most friendly and equitable nature.

The undersigned improves this occasion to renew to Mr. Ellis the assurance of his very distinguished consideration.

JOSE MARIA ORTIZ MONASTERIO.

To the Hon. POWHATAN ELLIS,

*Chargé d'Affaires of the United States of America.*

No. 73.

*Mr. Monasterio to Mr. Ellis.*

PALACIO DEL GOBIERNO NACIONAL,  
*Mejico, 24 de Diciembre de 1836.*

El infrascrito, oficial mayor, encargado del despacho de la Secretaría de Relaciones, recibió ayer, á las dos y media de la tarde, la nota del honorable Señor P. Ellis, fecha 22 del actual, en que pide su pasaporte para salir en la mañana del lunes proximo de esta capital, con direccion á Vera Cruz; y habiendo dado cuenta con ella á S. E. el Presidente interino, no ha podido menos de sorprenderse de que el honorable Señor Ellis intente emprender su marcha fuera de la republica con tanta violencia, y mas cuando no se sabe de una manera positiva cual es el fundamento de esta de terminacion. Por lo mismo, y siendo el paso que trata de dar el Señor Ellis de tanta transcendencia é importancia, que naturalmente debe afectar las relaciones entre la republica Mejicana y los Estados Unidos de America, desearia S. E. que el honorable Señor P. Ellis se sirviese esponer terminantemente cuales son las causas que motivan el pedido de su pasaporte, poniendo de esta manera termino á la mision que le tiene encomendada su Gobierno, á fin de que pueda en todo tiempo salvarse la responsabilidad con que se quiese hacer aparecer á la nacion Mejicana.

El infrascrito tiene el honor de reproducir al honorable Señor encargado de negocios de los Estados Unidos de America las seguridades de su muy distinguida consideracion y aprecio.

JOSE MARIA ORTIZ MONASTERIO.

Al Honorable Señor POWHATAN ELLIS,

*Encargado de Negocios de los Estados Unidos de America.*

No. 74.

*Mr. Monasterio to Mr. Ellis.*

[TRANSLATION.]

PALACE OF THE NATIONAL GOVERNMENT,  
*Mexico, December 24, 1836.*

The undersigned, acting Minister of Foreign Affairs, received yesterday, at half-past two o'clock in the evening, the note of the Hon. Mr. P. Ellis,

dated the 22d instant, in which he asks his passports, in order to depart on Monday morning next from this capital, in the direction of Vera Cruz; and having given an account of it to his excellency the President *ad interim*, he cannot but be surprised that the Hon. Mr. Ellis should intend leaving this republic with so much impetuosity, ("*con tanta violencia*," ) and more particularly when he does not distinctly understand the motive for such a determination. Because of this, and the step which Mr. Ellis proposes to take being of so much transcendency and importance, which would naturally affect the relations between the Mexican republic and the United States of America, his excellency desires that the Hon. Mr. P. Ellis will be pleased to state, definitely, what are the causes which have prompted him to ask his passports, thereby putting an end to the mission with which his Government has intrusted him, to the end that the responsibility which is thus attempted to be thrown upon the Mexican nation may, in all future time, attach to its proper source.

The undersigned has the honor to renew to the honorable chargé d'affaires of the United States of America the assurance of his very distinguished consideration and esteem.

JOSE MARIA ORTIZ MONASTERIO.

To the Hon. POWHATAN ELLIS,

*Chargé d'Affaires of the United States of America.*

No. 75.

*Mr. Monasterio to Mr. Ellis.*

PALACIO DEL GOBIERNO NACIONAL,  
*Mejico, 27 de Diciembre de 1836.*

El infrascrito, oficial mayor encargado del despacho de la Secretaría de Relaciones, ha recibido orden de S. E. el Presidente para tener el honor de dirigirse al Hon. Señor P. Ellis, encargado de negocios de los Estados Unidos de America, manifestandole: que el deseo muy natural de S. E. para investigar los verdaderos motivos que habia tenido su señoria para resolverse á regresar á su pais, dejando pendientes las graves cuestiones que hoy se ventilan entre aquella y esta nacion, fue lo que motivó la nota que el infrascrito pasó al Señor Ellis con fecha 24 del actual.

El silencio que el Señor Ellis ha guardado hasta ahora, dejando sin contestacion asi esta nota, como la diversa de 21 del mismo, en que el infrascrito manifesto que el Gobierno Mejicano estaba pronto á recibir la satisfaccion que el de los Estados Unidos ofrecio al Señor Ellis, hace creer á S. E. el Presidente que su señoria insiste en su resolucion de marchar, y al efecto ha dado por cortadas sus relaciones con el infrascrito. En tal concepto, S. E. le ordena asegurar al Señor Ellis, que si a las seis de la tarde de hoy no se hubiese recibido ninguna contestacion suya, se le remitirá el pasaporte que tiene pedido, y estara lista la escolta que desea le acompañe para su seguridad, repitiendo de esta manera el Gobierno Mejicano los testimonios que constantemente ha dado de su consideracion hacia los Estados Unidos, y su representante en esta capital.

El infrascrito aprovecha la oportunidad para reiterar al Honorable Señor Powhatan Ellis las seguridades de su particular estimacion.

JOSE MARIA ORTIZ MONASTERIO.

Al Honorable Sñr POWHATAN ELLIS,

*Encargado de Negocios de los Estados Unidos de America.*

No. 76.

*Mr. Monasterio to Mr. Ellis.*

[TRANSLATION.]

PALACE OF THE NATIONAL GOVERNMENT,  
*Mexico, December 27, 1836.*

The undersigned, chief officer charged with the affairs of the Department of Relations, has received orders from his excellency the President to address the Hon. Mr. P. Ellis, *chargé d'affaires* of the United States of America, in order to communicate to him that the note which the undersigned sent to Mr. Ellis, under date of the 24th instant, arose from the desire, by his excellency, most naturally entertained, to investigate the real motives which induced that gentleman to resolve to return to his country, leaving undetermined the important questions now at issue between the two nations.

The silence maintained by Mr. Ellis in leaving that note unanswered, as well as another of the 21st instant, in which the undersigned declared that the Mexican Government was ready to receive the satisfaction which the Government of the United States offered to Mr. Gorostiza to give, through Mr. Ellis himself, induces his excellency to suppose that Mr. Ellis persists in his resolution to depart; and with that view considers his relations with the undersigned as suspended. Under this impression, his excellency orders the undersigned to inform Mr. Ellis, that unless some answer shall have been received from that gentleman by six o'clock this evening, the passport which he has requested will be sent to him, and the escort will be ready to accompany him for his protection; and to repeat to him, in the name of the Mexican Government, the assurances which it has, on all occasions, given of its consideration for the United States, and for its representative in this capital.

The undersigned avails himself of this opportunity to renew to the Hon. Mr. Ellis the assurances of his own particular esteem.

JOSE MARIA ORTIZ MONASTERIO.

To the Hon. POWHATAN ELLIS,

*Chargé d'Affaires of the United States of America.*

No. 77.

*Mr. Monasterio to Mr. Ellis.*

PALACIO DEL GOBIERNO NACIONAL,  
*Mejico, 27 de Diciembre de 1836.*

Consecuente á lo que el infrascrito, oficial mayor encargado del despacho de la Secretaría de Relaciones, tubo el honor de decir al Hon. Señor Powhatan Ellis, en su nota de esta mañana, y no habiendo recibido hasta ahora que son las siete de la noche, ninguna contestacion á las diversas notas pendientes, el infrascrito acompaña al Sôr Ellis el pasaporte que tiene pedido, y las ordenes para que en el transito se le franqueen las escoltas que necesite para la seguridad de su persona; en el concepto que la que debe acompa-



ñarle á su salida de esta capital, estará lista á la hora y en el lugar que el Sôr Ellis se sirva indicar por medio de un aviso al Sôr comandante general.

El infrascrito ha recibido orden de S. E. el Presidente para anunciar al Sôr Ellis que se previene á la legacion Mexicana cerca del Gobierno de los Estados Unidos se retire igualmente.

El infrascrito reitera al Hon. Sôr Powhatan Ellis las seguridades de su particular atencion.

JOSE MARIA ORTIZ MONASTERIO.

Al Hon. Sôr POWHATAN ELLIS,

*Encargado de Negocios de los Estados Unidos de America.*

No. 78.

*Mr. Monasterio to Mr. Ellis.*

[TRANSLATION.]

PALACE OF THE NATIONAL GOVERNMENT,  
*Mexico, December 27, 1836.*

The undersigned, chief officer charged with the affairs of the Department of Relations, conformably with what he had the honor to state to the Honorable Powhatan Ellis in his note of this morning, not having up to this moment (seven o'clock in the evening) received any reply to the various notes despatched, transmits herewith to Mr. Ellis the passport which he had requested, and the orders for the supply of the escort which may be requisite for the security of his person on the journey; informing him, at the same time, that the escort which is to accompany him on his departure from this capital, will be ready at such time and place as Mr. Ellis may indicate to the commandant general.

The undersigned has received orders from the President to announce to Mr. Ellis that the Mexican legation near the Government of the United States has been ordered likewise to retire.

The undersigned repeats to the Honorable Mr. Powhatan Ellis the assurance of his particular esteem.

JOSE MARIA ORTIZ MONASTERIO.

To the Hon. POWHATAN ELLIS,

*Chargé d'Affaires of the United States of America.*

No. 79.

*Extract of a letter from Mr. Burrough, United States consul at Vera Cruz, to Mr. Ellis.*

VERA CRUZ, January 10, 1837.

I have to inform you that, in pursuance of your instructions to receive and transmit to the Department of State all despatches, &c., that might ar-

rive at the post office of this city to the address of the United States legation, Mexico, I addressed a note to the administrator of the office, in anticipation of despatches being received by the packet daily expected from New York, requesting, as per instructions, that they might be delivered at this consulate; which he has denied me. I shall make another application on their arrival, and, if then withheld from me, I can but enter protest against the act.

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No. 80.

*Depositions of the American seamen imprisoned at Vera Cruz.*

CONSULATE OF THE UNITED STATES OF AMERICA, }  
At Vera Cruz.

Depositions of John Williams, Henry Habest, Samuel Long, Nathaniel Groves, Samuel Molden, Richard Freeman, James Hoover, and John Davis, seamen of and belonging to the United States ship Natchez, William Mervine, Esq. commanding, and constituting a boat's crew, imprisoned at this place on the 2d day of November, 1836.

John Williams, aged 26 years, a native of Hamburg, being duly and solemnly sworn, did depose, declare, and say as follows: That he, with Henry Habest, Samuel Long, Nathaniel Groves, Samuel Molden, Richard Freeman, James Hoover, and John Davis, seamen, and two stewards, under charge of Midshipman Renshaw, of and belonging to the United States ship Natchez, commanded by William Mervine, did, on the second day of November, set out and depart from the said ship, for this place, in the third cutter, and where they arrived at about 11 o'clock in the day; Hoover being left in charge of the boat, the rest of them took a walk into the town, and got something to drink; received orders from Mr. Renshaw not to be out of the way. Steward gave them two shillings, which was expended in liquor and divided among them. Mr. Renshaw, coming to the mole, and on being asked to give them something to warm them, handed one of them two shillings, and told them not to get drunk upon it. Deponent and Habest went to the plaza, to purchase a glass of grog for the boat's crew, and, on returning to the mole, Habest was attacked by a fisherman, who insisted on fighting him; deponent used his exertions to get him away, but a person standing by, who spoke English, said "let them fight, and give them fair play." Samuel Long and Richard Freeman came up, and the latter remarked, that if one fought, all must fight. Finding themselves surrounded with a disparity of numbers about to assault them, and having no arms with which they could defend themselves against the force that was collecting, armed with clubs, stones, and knives, Freeman and Long retreated to the boat, and got the two boat-hooks. Deponent was also proceeding to the boat, when he was struck with a cutlass over the back by one of the soldiers, several of whom had now arrived on the mole. (Deponent had not raised his hand against any one.) He was likewise struck with a large stone thrown by one of the soldiers, (as he believes,) whilst standing at the boat, which might have felled him to the ground. Mr. Renshaw had now arrived at the mole,

and ordered deponent and the rest of them into the boat ; and into which all at once got that were able so to do, for by this time two of the boat's crew had been badly wounded by the soldiery, or other persons of the country, and were lying upon the mole. The Mexican soldiery stood over those in the boat, with their muskets directed at them, and among whom were also observed several officers with swords in hand. The officer of the boat begged them not to fire upon his men, and at the same time commanded them all to sit down and keep quiet. After some little time had elapsed, they were all ordered out of the boat, and conducted to the guard-house, where they remained in confinement till the next evening ; they were now all, except the wounded, who were carried to the hospital, conveyed to prison, at the south end of the town, and there placed in a wet room, without bed or bedding of any kind, and supplied with barely enough to keep them alive, with a sentry constantly over them.

After the lapse of about two weeks, they were taken out and examined by a Mexican officer and the interpreter of the port. Deponent subscribed his name to a paper on this occasion, which, he was informed by the interpreter, was a translation of what he had said, but which deponent is not satisfied was in accordance with his declaration made in English at the time, and which he now repeats.

The examination being gone through with, they were permitted to go out into the yard with the native prisoners.

On the 25th day of November they were taken out and delivered to the American consul.

In testimony whereof, the said deponent has hereunto set his hand this 17th day of December, A. D. 1836.

JOHN WILLIAMS.

Before me,

M. BURROUGH,  
*Consul United States.*

Henry Hubest, aged 35 years, a native of Germany, being duly and solemnly sworn, did depose, declare, and say as follows : That he is one of the boat's crew of the United States ship Natchez, and who set out from said ship in the third cutter, under charge of Midshipman Renshaw, on the morning of the second day of November, and arrived at the mole of this city at about 11 o'clock in the day ; and, all of them being wet and cold, Mr. Renshaw gave them some money, with which they got half a bottle of rum. Mr. Renshaw left the boat in charge of Hoover, the coxswain, and the rest of them walked to the plaza. Deponent there saw Mr. Renshaw purchasing a hammock, which was given to him to carry to the boat ; and, on passing the gate, a fisherman came up to him and tried to take it from him, but which he placed in the boat. Deponent left the boat for a short time, and, on returning, was a second time assailed by the fisherman, (a negro fellow,) who would not let him pass to the boat. Deponent pushed him aside, (but did not strike him,) and went down towards the boat ; but, before he had time to reach it, was knocked down by a soldier, who struck him with a musket over the head. His knife was now taken from his pocket, and the cord divided by which it was fastened round his neck, and in cutting which, the soldier gave him a wound on the face. On recovering his senses, and when in the act of rising up to crawl to the boat, he was again knocked down with a large stone, thrown by a soldier, and

which struck him upon the knee-pan, the same being already fractured. He was also several times kicked in the side by the soldier, whilst lying upon the mole and unable to rise. Deponent was supported by two men to the guard-house, where he was placed in confinement with the others. At 5 p. m. he and Samuel Long were taken out and conveyed to the hospital by a guard of soldiers, where they remained till they recovered.

On the 13th of November they were called up and examined by an officer, and the interpreter of the captain of the port. Deponent signed some papers at this time, which he was told to do, being informed that it was his declaration translated into Spanish, but which he thinks might not have been committed to paper as expressed, inasmuch as the interpreter made several mistakes in it, as he (deponent) stated at the time. Soon after being examined, deponent, with the rest of the sick, was sent to the prison in which their shipmates were confined, and where they remained till the 25th of the month, at which time they were brought out and delivered in charge of the American consul.

In testimony whereof, the said deponent has hereunto subscribed his name, at the city of Vera Cruz, this 17th day of December, A. D. 1836.

his  
HENRY + HABEST.  
mark.

Before me,

M. BURROUGH,  
*Consul United States.*

Samuel Long, aged 23 years, a native of Europe, of and belonging to the United States ship Natchez, being duly and solemnly sworn, did depose, declare, and say as follows: That he left the said ship in the third cutter, with seven other seamen and two stewards, under charge of Midshipman Renshaw, on the 2d day of November, for the city of Vera Cruz; ship then lying at anchor off the island of Sacrificios: that on the passage up they became very wet and cold; the officer of the boat accordingly promised them a drink of grog when they arrived. On reaching the mole, Hoover was left in charge of the boat, and the rest of them, by the consent of Mr. Renshaw, took a walk into the plaza, where they procured half a bottle of liquor with the twenty-five cents given them by Mr. Renshaw; this they took to the boat, and drank among them. The boat was now left in charge of Davis, and deponent went to assist the steward in getting marketing to the mole, after which he took charge of the boat. Habest soon brought a hammock down, by order of Mr. Renshaw, who now returned to the mole, and asked them if they were all sober, and told them that he was going off in a few minutes, (immediately,) and went up to the consul's. Deponent and Richard Freeman were standing near the boat, when the former said to the latter, "We will go on the other side of the mole, and look at the fish they are catching." They accordingly went, and pick'd up one of the fish to examine it, and then returned to the boat; and whilst they were there, Williams informed them that Habest was about to get into a fight with a fisherman. They went to Habest, at the upper end of the mole, where he was engaged in a quarrel with a negro, and who was standing before him in an attitude of defence. Some gentleman who stood near them said, "Let them have fair play—one at a time;" deponent, however, not wishing to see a fight, stepped in between Habest and the negro, at which

moment a soldier coming up struck Habest several times over the head and shoulders with a broadsword. Deponent was now pushed down in the crowd; on recovering himself, and in the act of going to the boat, was struck across the back with a cutlass, by a soldier. Finding himself thus assailed, he and Freeman ran to the boat, and got each a boat-hook to defend themselves against the soldiery and others by whom they had been attacked; but, before deponent had an opportunity of using his hook, he was struck over the back by a corporal, with a broadsword, and at the same moment was knocked down, either by a stone or some other missile; and, from that period, does not recollect any thing further that occurred, till he found himself in the guard-house. The same evening he was conveyed to the hospital, with Habest, who was also badly hurt. After a fortnight, or so, deponent was examined by a Mexican officer, with an interpreter. His declaration was subscribed by him, agreeably to the order of the interpreter, and who stated that it was a translation of what he had said in English; but deponent not understanding Spanish, the language into which the translation was made, is not prepared to say whether or not it was a true translation.

The said deponent was now sent to the prison, where the others were confined, and there remained till the 25th November, at which time they were released and delivered over to the consul of the United States.

Deponent did furthermore declare, that the quantity and quality of the food given to them whilst in prison was scarcely sufficient to sustain life, and that they were obliged to sleep upon a cold and damp brick floor, without bed or bedding of any kind being allowed them.

In testimony whereof, the deponent has hereunto set his hand, at the city of Vera Cruz, this 17th day of December, anno Domini 1836.

SAMUEL LONG.

Before me,

M. BURROUGH,

*Consul United States.*

Nathaniel Groves, aged twenty-five years, a native of the United States of America, of and belonging to the United States ship Natchez, being duly and solemnly sworn, did declare and say as follows: That he, with seven other seamen and two stewards, (viz. the captain's and ward-room stewards,) did, on the morning of the 2d of November, set out from the ship to which they are attached, in the third cutter, under charge of Midshipman Renshaw, for the city of Vera Cruz; arrived at the mole between 11 and 12 o'clock. Mr. R. went up to the consul's, and left the boat in charge of the coxswain, Hoover; told them not to be out of the way; that he should be ready to go off in a few minutes. Deponent having half a dollar in his pocket, purchased some liquor, which was drunk among them. Mr. Renshaw returned to the mole in a short time, and being asked by some of them for a little change to get a glass of grog, gave them twenty-five cents, not being aware that they had already had liquor. Mr. R. again left on business, (as supposed,) when the charge of the boat was given to Davis, and the rest of them went up towards the market. Deponent quickly returned to the mole, near which he met a passenger who was going in their ship, who informed him that a fight was about to ensue between one of his shipmates and some of the Mexicans, upon the mole. Deponent and the four that were with him, (viz. Richard Freeman, Hoover, John Williams,

and Samuel Long,) on returning to the boat, saw Habest and a black fellow engaged in a quarrel, but who were not fighting. The officer of the boat was soon after met by deponent, who ordered him and the rest of the crew down to the boat; said that "he should be off immediately." On reaching the mole, saw Richard Freeman and Samuel Long, with boat-hooks in their hands, near the boat, defending themselves against the soldiery and fisherman by whom they were attacked. The latter of them was struck by one of the guards with a sword, and who then made a blow at the soldier with his boat-hook. This was parried by the bayonet of the soldier; and whilst he was thus defending himself, a soldier struck Richard Freeman with his bayonet, inflicting a wound which brought him to the ground. A corporal now came up and struck Samuel Long over the face with his bayonet; by which he was knocked down, and supposed dead. The corporal turned and made a pass with his bayoneted musket at deponent, just as he was getting into the boat. Mr. Renshaw had by this time arrived at the mole, and ordered them all into the boat, and into which all at once placed themselves, with the exception of Richard Freeman, Samuel Long, and Henry Habest, who were so badly wounded as not to be able to reach the boat.

The soldiery had their muskets charged, and stood alongside the boat, pointing them directly upon the boat's crew; and who, it is said, would have fired on them, had the captain of the port not prevented it. They were now all ordered to the guard-house, where they were placed in stocks, and kept till the next evening; when deponent, with J. Davis, John Williams, and Samuel Molden, were conveyed to prison, and there placed in a small, damp apartment, with little to eat, and nothing in the way of bed or bedding to protect them against the cold and humidity of the ground floor.

On or about the 16th of the month, they were all taken out and examined by a Mexican officer and the public interpreter. Deponent did [not] sign any document, having informed them that he could not write. The examination being gone through with, they were permitted to go into the prison yard, but were securely locked up at night, and a sentry placed at their door. On the 25th of November, they were brought out and delivered over to the charge of the United States consul.

In testimony whereof, the said deponent has hereunto subscribed his name, at the city of Vera Cruz, this 18th day of December, A. D. 1836.

his  
NATHANIEL ~~X~~ GROVES.  
mark.

Before me,

M. BURROUGH,  
*Consul United States.*

Samuel Molden, aged 28 years, a native of Europe, seaman of and belonging to the United States ship Natchez, being duly and solemnly sworn on the day of the date hereof, did depose, declare, and say as follows: That he, with seven other seamen and two stewards, left the ship Natchez, to which they are attached, on the 2d of November, in the third cutter of the ship, under charge of Mr. Renshaw, (midshipman,) and who told them, on the passage up, that "if they would behave themselves, as he hoped they would, on arriving at the city, they should have all the liberty he could allow them; and hoped that they would not get drunk." The wind was

high, and a heavy sea running, and the boat's crew got very wet. Mr. R. told the coxswain to take charge of the boat: the rest of them walked to the market, and procured a bottle of liquor, which was drunk among them; after which, Hoover went, with the steward, to the market, and deponent got into the boat, lay down, and went to sleep; but was soon awoken by a noise on the mole: saw, at this time, several soldiers around the boat, and a Mexican officer, with his sword drawn over the head of Mr. Renshaw, and the others with muskets in their hands pointed at him and the other seamen in the boat. Not knowing the cause of the disturbance, and fearing that Mr. Renshaw was about to be cut down, deponent wished to get upon the wharf to defend him, but Mr. R. would not permit him, and ordered him to keep quiet; and whilst deponent was standing in the boat, he was struck across the face with a cutlass, which was near knocking him down. After a little time all got into the boat, except two or three who had been wounded by the people of the country, and were now lying upon the mole. Deponent was ordered by Mr. Renshaw to come out of the boat, to go up and bring down some things from the market; and, when opposite to the guard-house, was told to go in with the others, and where they were all, except the two that were most hurt, placed in confinement: remained there till the following evening, and were then sent to a prison in another part of the town, placed in a small damp room, with but little to eat, and nothing to lie upon but a mat. After about two weeks' confinement, they were examined by a Mexican officer and an interpreter, and then allowed access to the prison yard. Deponent put his name to a paper, which the interpreter told him was a translation of his deposition; but whether it was a true translation he is unable to judge: he was informed that it was correct.

On the 25th of November they were all liberated, and conducted to the office of the consul of the United States, where they were left.

In testimony whereof, the said deponent has hereunto subscribed his name, at the city of Vera Cruz, this eighteenth day of December, anno Domini one thousand eight hundred and thirty-six.

**SAMUEL MOLDEN.**

Before me,

**M. BURROUGH,**

*Consul U. S.*

Richard Freeman, aged 24 years, a native of Ireland, mariner, of and belonging to the United States ship Natchez, William Mervine commander, being duly and solemnly sworn, did depose, declare, and say as follows: That he and seven other seamen, with the cabin and wardroom stewards, set out and departed from the said ship Natchez on the 2d day of November, in the third cutter, under charge of Midshipman Renshaw, and arrived at the mole of this city at about 11 o'clock, A. M. Had a rough passage up; and being wet and cold, on reaching Vera Cruz, went and got a glass of grog with some money given to them by the officer of the boat; Hoover being left to take care of the boat, was relieved by others in turn. After a little time, Mr. Renshaw, who had gone to the office of the consul, returned, and told them to "keep about the boat, that he should be ready to go off in a few minutes." Samuel Molden was now in the boat. Samuel Long asked deponent to go and look at some fish which they were catching on the other side of the mole. They went and examined them, and then returned to the boat. At this time Williams came to them, and said that Habest was

about to fight with some one; upon which deponent and Long went to see what the matter was; and on arriving at the spot, near the upper end of the mole, saw Habest, who told them that he "was going to fight a negro fellow," (who had just come out of the water,) a fisherman. The negro was quarrelling with him, and standing in an attitude for fighting. Some gentlemen, who were near them, said "Let them fight—give them fair play—one at a time;" but Habest did not strike him. Samuel Long insisted on whipping the fellow, and proposed to fight him, (the fisherman;) the negro, at this time, standing in readiness to make a blow. Deponent tried to dissuade his shipmates from fighting; and was using all his exertions to get them back to the boat, when a soldier came up and struck him and Samuel Long with a sabre. Several other soldiers were likewise present, and whose muskets, with mounted bayonets, were used against them. Deponent and Long, finding themselves likely to be overpowered by the arms of the soldiery, ran to the boat and got boat-hooks to defend themselves. They were followed by the assailants, near the boat; and, on regaining the mole, were again attacked, and deponent received a bayonet wound in the hip, and another in the right side, which brought him to the ground. The officer of the boat had now arrived on the mole, and ordered them into the boat, where they at once got. The Mexican soldiery were standing upon the edge of the quay, with their muskets pointed towards them, and from them they expected to receive a fire. Shortly after, they (the boat's crew) were ordered to the guard-house, and where deponent and others were confined in stocks. Deponent was struck several times, after being secured in the stocks, with a large cane, by the corporal of the guard: remained in the guard-house, with the others, till next night, when deponent, and the others who were wounded, were conducted to the hospital. On or about the 13th day of November, deponent was taken out of his room, and examined by an officer and an interpreter. Deponent signed his declaration, as translated into Spanish, which he was told by the interpreter was a true translation of his deposition. After remaining near three weeks in the hospital, deponent was removed, with James Hoover, to the prison in which their other shipmates were confined. On the 25th day of November they all obtained their release, being delivered over to the charge of the consul of the United States.

In testimony whereof, the said deponent has hereunto set his hand, at the city of Vera Cruz, this eighteenth day of December, 1836.

R. FREEMAN.

Before me,

M. BURROUGH,

*Consul of the United States.*

James Hoover, aged 32 years, a native of the State of New Jersey, United States of America, mariner, of and belonging to the United States ship Natchez, W. Mervine, Esq., commander, being duly and solemnly sworn, did depose, declare, and say: That on the 2d day of November, he, with seven other seamen and two stewards, under charge of Mr. Renshaw, midshipman, left the said ship Natchez, and arrived at the mole at Vera Cruz, at about 11 o'clock in the day. All left the boat, except deponent, who was deputed to take charge of the boat. John Davis, after a little time, came and relieved him, when deponent went up to the market with the ward-room steward, and brought down some articles for the ship. Left the boat a second time in company with the steward, and returned without him;



again quitted the mole, and, when near the corner of the plaza, met a gentleman who was going passenger in the ship, who told deponent that there was a quarrel going on between the Americans and the Mexicans upon the mole. Deponent said that he would go down when he saw the officer of the boat; but not seeing the officer, joined the two stewards and went to the mole, and there saw fighting between Samuel Long, Henry Habest, and some of the citizens and soldiers of the place. Deponent went directly to the boat, and before he had time to get into the boat, and whilst standing upon the mole in waiting for Samuel Molden to haul up the boat, that he might get into her, was struck by a soldier or some other person of the country with a stone upon the head, which knocked him down; and when his hat fell into the water, recovering himself, he jumped into the sea, in order to clear himself from the soldiers and others by whom they were attacked, and succeeded in getting into the boat. About this time Mr. Renshaw arrived at the mole, and ordered all to take seats in the boat. Six of the boat's crew and the two stewards obeyed, leaving the other two upon the mole, who were badly wounded. Soon after, Mr. Renshaw ordered deponent and the rest of them out of the boat, and to go up with him: all obeyed; and when they arrived opposite the guard-house, were told to go in; and there deponent and six others remained for the night and next day, when deponent and Richard Freeman were conveyed to the hospital. There they remained about two weeks, when they were taken out and examined by some Mexican. Deponent signed a paper, which the interpreter told him was a deposition which he was making out for the new governor, and who also told him that in about two weeks they would be released, (as he expected.) In the course of four or five days, deponent, Richard Freeman, Henry Habest, and Samuel Long, who were now in the hospital, were all conveyed to a prison near the south gate of the city. There they remained till the 25th of November, when they were all taken out and delivered over to the charge of the American consul.

In testimony whereof, the said deponent has hereunto set his hand, at the city of Vera Cruz, this third day of January, anno Domini 1837.

his  
JAMES ~~X~~ HOOVER.  
mark.

Before me,

M. BURROUGH, *Consul U. S.*

CONSULATE OF THE UNITED STATES OF AMERICA, }  
at Vera Cruz.

I, M. Burrough, consul of the United States of America at Vera Cruz, do hereby certify that the foregoing, subscribed "James Hoover," is a true and faithful copy of the original, finding place in my Consular Register, letter C, pp. 29, 30, 31.

Witness my hand and seal of office hereunto affixed, at the city of Vera [U. S.] Cruz, this sixth day of January, A. D. 1837, and of the independence of the United States of America the sixtieth.

M. BURROUGH.

CONSULATE OF THE UNITED STATES OF AMERICA, }  
Vera Cruz, Mexico.

These are to certify that John Davis, mariner, of and belonging to the United States ship Natchez, William Mervine commander, and one of the

boat's crew of said ship, imprisoned at this place on the second day of November last past, did, on or about the fourth of December, desert from the charge of this consulate; since which, he has not returned, and, in consequence, the deposition of the said mariner does not appear.

In testimony whereof, I have hereunto set my hand and affixed my seal of office at the city of Vera Cruz, this sixth day of January, [ L. s. ] A. D. one thousand eight hundred and thirty-seven, and of the independence of the United States of America the sixtieth.

M. BURROUGH.

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No. 81.

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**LIST OF CLAIMS**

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UPON THE

**MEXICAN REPUBLIC.**

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## CLAIMS ON MEXICO.

No.	Name of claimant.	Date of the act complained of.	Name of the vessel and nature of the property seized, or of the act complained of.	Amount claimed.	Remarks to elucidate the general nature of the claim.
1	Mexican Company of Baltimore.	1816	-	Not stated	This was an association of individuals that furnished General Mina with the means of undertaking his invasion of Mexico, which amount they aver has never been repaid them.
2	A. P. Chonteau and Julius De Mun.	1817	The claimants imprisoned at Santa Fe, and their property confiscated.	Value of property lost, \$30,380 744.	The claimants, chiefs of a hunting expedition, were, with their followers, arrested by the Spanish authorities, carried to Santa Fe, and, without trial, imprisoned, and otherwise maltreated, for an alleged trespass upon the dominions of Spain in that quarter. For a detailed statement of the case, see Walte's State Papers, vol. 12, page 435.
3	Mrs. Young	1817	-	Not stated	The claimant is the widow of Colonel Guilford D. Young, who was a partisan of Mina, and was killed whilst serving under him in 1817. The claim is understood to be for arrears of pay.
4	John Jacob Astor & P. P. Pope.	1818	Brig Cossack	Vessel and cargo sold for about \$40,000.	One of the pretexis for the seizure in this case was the alleged want of a sea-letter. The seizure took place at Marathon, on the western coast of Mexico. It does not appear whether there were any judicial proceedings. A decree of the Mexican Government, dated the 27th of July, 1821, directed restitution of the vessel, but the decree was never executed, and no compensation for the loss has ever been received.
5	S. G. Arnold & Co., Richard J. Arnold, & Ratcliffe Hicks.	1821	Ship Louisa, cargo of	\$33,945	The vessel arrived at Acapulco laden with provisions, arms, &c.; upon learning which, Turbide issued two edicts: one dated Chelapasingo, 20th of February, the other Iguala, 4th of March, 1821, directing the cargo to be taken for his use. On the 1st of February, 1822, the Regency decreed indemnity, which was to be received, in part, from the treasury of Mexico, and the residue from the customs at Vera Cruz and Acapulco. A part of the amount has been received, and the claim is for the balance.

The property was seized on the road from Mexico to Vera Cruz, by officers of the Mexican Government.

The goods were seized upon the pretext of their having been introduced contrary to a Mexican law, prohibiting the importation of such articles. The claimant says he was ignorant of the existence of the law.

The exaction was made upon a quantity of cotton goods imported into Alvarado.

The claimants robbed of a part of their property by the Cananche Indians, on their return from a trading expedition to Mexico. Original papers in the case sent to Mr. Poinsett.

The outrage was perpetrated for an alleged violation of the blockade of the castle of St. Juan de Ulloa.

The property was seized upon the pretext of its being the produce of Spain; whereas, it was the produce of France.

The property was seized at Alvarado, upon the ground of its being Spanish, whereas it was of Russian origin.

The seizure was made at Brazos Santiago, the port or harbor of Refugio, in Mexico, upon the ground that the vessel was not provided with the proper consular certificates. All the papers sent to the legation at Mexico.

All the original papers in this case having been sent to Mr. Poinsett, the particulars of it cannot be ascertained.

The seizure at Sisal was made because of an alleged want of consular certificates. All the original papers sent to Mr. Poinsett.

6	John Mitchell	Not mentioned; the claimant's letter, asking the interpolation of the Government, is dated June 8, 1824	Specific seized	\$4,730	
7	John B. Marié	Summer of 1824	Coffee and provisions	Not stated	
8	Botie & Laguerrenne	November, 1824	Illegal exaction of duties	\$32,729 79	
9	T. E. Dudley and J. G. Wilson.	1824	Robbery by Indians	Not stated	
10	Not stated	January 4, 1825	Schooner Scott fired upon, and injured at Vera Cruz.	Not stated	
11	Assignees of John Coulter.	September 6, 1825	Quantity of brandies seized.	Not stated	
12	G. G. & S. Howland	October, 1825	White wax seized	\$10,000	
13	Thomas Wilson	1826	Schooner Fair American and cargo.	Not stated	
14	Atlantic Insurance Company, New York.	Not stated. The letter of the president of the company, asking the interpolation of the Government, dated February 7, 1826.	Brig Liberty, stated to have been, illegally seized.	Not stated	
15	S. Russell and H. Nixon.	Date of second act, September, 1826.	Brig Delight; illegal exaction of duties at San Blas, and seizure and detention of her cargo at Sisal.	Not stated	

## CLAIMS—Continued.

No	Name of claimant.	Date of the act complained of.	Name of the vessel and nature of the property seized, or of the act complained of.	Amount claimed.	Remarks to elucidate the general nature of the claim.
16	R. M. Whitney and Co.	Not stated; the original letter of the claimant's, dated November 23, 1826.	Not stated	Not stated	All the papers in this case were sent to Mr. Poinsett.
17	John Andrews	1827	White wax seized at Alvarado.	Not stated	The property was seized at Alvarado, on the ground of its being of Spanish origin; whereas, it is represented to have been imported into New York from St. Petersburg, and thence to Alvarado. There seems to have been a condemnation by a tribunal.
18	R. W. Meade	Not stated	Not stated	Not stated	Nothing further relative to this case can be ascertained, than that Mr. Clay, in a letter to Mr. Poinsett, dated 9th of June, 1827, instructs him to give the claimant such assistance as he might deem advisable.
19	Pardon C. Greene	January, 1828	"	\$9,678 71	The claim in this case is for supplies furnished the Mexican brig of war Herman, which put into Key West in distress.
20	W. Massicot	Not stated; claimant's letter requesting interposition, dated May 19, 1828.	Not stated	1,538	The papers in this case having been sent to Mr. Poinsett, the letter to him, which accompanied them, is the only document in which it is mentioned, and that only states that the claimant was deprived of the money by <i>certain irregular and unjust proceedings</i> of the authorities at Sisal.
21	Charles Callaghan	May, 1829	Brig Ann detained at Vera Cruz, and her voyage broken up.	14,000	It is stated that the vessel put into Vera Cruz in distress; and that the amount claimed is for the loss sustained in consequence of being obliged to pay duties on the cargo. The inferior court decided in favor of allowing the vessel to depart, but the authorities appealed to the supreme court of Puebla, whose decision does not appear.
22	Robinson Potter	August, 1829	Brig William seized and employed as a transport.	4,532	The seizure took place at Vera Cruz during the Spanish invasion, and the vessel was constrained to carry a division of troops to Jaculata.

23	John Kennedy and F. E. White.	August 2, 1829	Brig Urubá, seized and employed for the same purpose.	2,005	No further particulars respecting the case appear.
24	Smith & Thompson	1829	Brig Splendid, seized and employed for the same purpose.	Not stated	The vessel was employed to transport troops from Vera Cruz to Juculata. Original papers sent to legation at Mexico.
25	Manuel de Cala	September, 1829	Schooner Rebecca and Eliza, and cargo, seized and sold.	Not stated. The vessel was insured for \$4,000.	The seizure was made at Tampico, for an alleged intent to supply with provisions the Spanish invading army.
26	A. Pell and Brother	1830	Quantity of types taken and destroyed at Tampico.	\$600	The seizure was made during the Spanish invasion.
27	William H. Shaw	December, 1829	Imprisoned at Tabasco, and his vessel, the Galaxy, detained.	Not stated	The claimant, who was master of the vessel, was imprisoned six weeks, for no apparent cause.
28	J. K. West	Not stated		Not stated	
29	Samuel Lowder	February, 1833	Schooner Topaz, employed as a transport, captain & mate murdered.	\$6,500	The claim, in this case, is for a bill of exchange drawn by Mr. Horner in favor of the claimant, when Mr. Horner was appointed minister to the United States, and for supplies sent to Mexico by his direction. The captain contracted to carry one hundred and fifty soldiers from Matamoros to Galveston. On the passage, he and his mate were causelessly murdered by the soldiers, and the vessel taken possession of.
30	J. W. Breedlove and others.	March 16, 1839	Brig General Morelos, seized and detained at Vera Cruz.	8,826	The vessel arrived at Vera Cruz on the 16th of January, 1829, with no cargo, but with an excess of provisions, as it was understood that she was to be sold, and fitted out as a privateer in the Mexican service. In the night of the 2d of February, fifty-two kegs of gunpowder were surreptitiously introduced on board of her from a schooner just arrived from New Orleans. On the 20th, the whole of the powder and the provisions were forcibly seized and carried from the vessel by order of the authorities at Vera Cruz. The provisions were subsequently restored, and, as the vessel could not be sold for the purpose for which she had been destined, she was cleared out for New Orleans on the 16th of March. On the same day, after she had been cleared out, the captain of the port, accompanied by about thirty men, suddenly repaired on board and seized the vessel. The legality of the seizure was contested in the Mexican courts, who eventually decided in favor of the claimants, and the vessel was restored on the 12th of October, 1830. The claim is for

## CLAIMS—Continued.

No.	Name of claimant.	Date of the act complained of.	Name of the vessel, and nature of the property seized, or of the act complained of.	Amount claimed.	Remarks to elucidate the general nature of the claim.
31	E. K. Collins	Since April 5, 1832	Discriminating tonnage duties exacted in contravention of the treaty.	\$6,000	The detention of the brig, and the consequent losses. The pretext for the seizure was her having the gunpowder on board, which was contrary to the Mexican laws.
33	Jackson Marine Insurance Co.	June 21, 1832	Schooner Brazoria, seized and employed in the Mexican service.	7,315	
33	Aaron Leggett	1833	Steamboat Hidalgo, seized and employed in the Mexican service, &c.	786,507 73	

On the 21st June, 1832, whilst the vessel was lying in the port of Brazoria, she was seized by John Austin, the Mexican military commandant in that quarter, and employed to make an attack upon Anahuac. During the attack, she was so much injured that the owners abandoned her to the underwriters, who claim the amount specified of the Mexican Government.

On the 18th of November, 1831, the claimant obtained from the Legislature of the Mexican State of Tabasco the grant of an exclusive privilege to use steamboats on the waters of that State for the period of ten years. He accordingly sent thither a steamboat, called the Hidalgo, which arrived on the 19th of June, 1832. She was to be employed chiefly in transporting logwood to the coast, and the claimant had entered into contracts with several individuals in the interior for all the logwood they had cut down in 1831, and might cut down in 1832, 1833, and 1834. He also purchased and chartered several vessels for the purpose of carrying the logwood away. The steamboat commenced her trips on the 28th of June, 1832, by going down the river to Frontera, and, on the 30th, the fort there was taken by an invading force from the neighboring States of Chiapas and Yucatan, with a view to compel Tabasco to recede from its declaration in favor of Santa Anna. The garrison retreated into the town, and would have been obliged to surrender, had not the



Hidalgo chanced to be there. They rushed on board of her, and forced the master to convey them immediately to the capital of the State. On the 2d of July, Don Mariana Martinez, the commander-in-chief of Santa Anna's forces in that quarter, sent an order to the commander of the steamboat to hold her at his (the commander's) disposal, and the order was accompanied by a file of soldiers to enforce it; and, on the 6th, another order was sent, requiring the steamboat to be employed for the transport of troops, and she was employed from the 30th of June to the 2d of August, 1832, and the captain and the crew were obliged, by threats of personal violence, and even of death, to submit to the orders of the officers sent on board.

This detention of the steamboat was the primary cause of all the subsequent disasters of the claimant. The vessels which were to convey away the logwood all arrived at Tabasco from the 16th of June to the 5th of July; but, finding no cargoes ready for them; that the steamboat had been seized; and that, owing to the distracted state of the country, it was not probable that cargoes could be procured, they early in August set sail for the ports to which they respectively belonged, and the captains and owners of the vessels have since demanded of the claimant the penalties of the charter-parties, which he has paid to the extent of his means. The detention of the steamboat also led to the loss of the profits which the claimant reasonably expected to derive from the contracts referred to. Her employment, too, in the service of Santa Anna led to her loss; for, on the 10th of October, 1832, having stopped at Jacinta, she suddenly filled with water during the night, and sunk. The claimant, thereupon, proceeded to Laguna, in Yucatan, to get persons to assist in raising her. On his arrival, he was summoned into the presence of the commandant general of the place, who, when informed of his object, refused himself to aid the claimant, and forbade the inhabitants of Laguna from succoring him, alleging, as a reason, that the steamboat had been the cause of the victory of Santa Anna's party on the 25th of July. The schooner Consolation, belonging to the claimant, was seized, and compelled to transport troops of the party opposed to Santa Anna. After her release, she was

## CLAIMS—Continued.

No.	Name of claimant.	Date of the act complained of.	Name of the vessel, and nature of the property seized, or of the act complained of.	Amount claimed.	Remarks to elucidate the general nature of the claim.
34	William McKeige	April 2, 1834	Brig Industry	\$11,006 68	<p>again seized by a magistrate of Santa Anna's party, because of having been employed in the service of his adversaries; the captain was put in the stocks, and the vessel finally became unseaworthy in consequence of her detention. The brig John, belonging to the claimant, was also detained by officers of Santa Anna's party, and the captain imprisoned. Dennis Gahagan, one of the claimant's agents, was likewise imprisoned. A large sum, in specie, was extorted from the claimant by the military officers at San Juan Batista, in August, 1832. The losses brought upon the claimant, by the incidents above detailed, were the proximate cause of the bankruptcy of the commercial house of which he was a partner, in New York.</p> <p>On the 10th of March, 1834, the captain, who is the claimant, applied at the custom-house in Tabasco for a clearance, but was informed that the district judge had attached the vessel, upon the pretext that the forecandle was not sealed when she arrived. On the 12th, the captain was arrested and imprisoned for thirteen days, and was only released upon the condition of paying Rojas, the judge, one hundred and sixty dollars. He then applied for a clearance, which was refused, unless he would pay a further sum of fifty ounces of gold. On the 2d of April, after being again arrested and harassed for a pretended debt due one of his crew, he again applied for a clearance, which was granted on the responsibility of the collector. He set out with the vessel, but was ordered back by the judge, who declared he should not go until he paid the fifty ounces of gold. The vessel was then abandoned, and the judge sold her and pocketed the proceeds.</p>

About 10 o'clock in the morning of the 1st of May, 1835, the vessel anchored in the harbor of Campechy; about noon she was visited by the captain of the port, and health-officers, to whom the captain exhibited his list of crew, the triplicate invoices of the cargo, and the triplicate general manifest. The interpreter informed the captain that it would be necessary to carry the invoices to the custom-house. The master then went ashore with the captain of the port, in his boat, and presented the invoices at the custom-house—a young man just beginning to learn English acted as interpreter. The collector immediately addressed a written complaint to the district judge, stating that the captain had not presented the triplicate general manifests, required by law to be given aboard the vessel whilst in the act of anchoring, and that he had stated that he had not made out such manifests; the captain's answer being mistaken or misinterpreted. The captain, suspecting that it was intended to ensnare him, set out on his return to his vessel, but owing to the darkness of the night, and the haziness of the weather, did not find her until next morning. He presented his general manifest to the revenue officer on board, who sent it to the custom-house. On the same day (2d May) the brig was boarded by the captain of the port, her sails carried on shore, an armed guard placed on board, and she was condemned.

The vessel arrived at Galveston bay on the 3d of May, 1835, and came to anchor under the stern of the Mexican Government schooner Montezuma. An officer from her repaired on board the Martha, examined the papers, and complained that the passengers had no passports, and that there were articles on board not included in the manifest. A guard of twelve men was then sent to the Martha. Some of the passengers having been invited by the pilot of the port to go ashore next day to hunt, two or three of them were loading their guns in the cabin, to be in readiness the next morning, when one of the guards looking down and seeing them, reported the circumstance. Two boats were immediately sent from the Montezuma to the Martha, all the passengers forced into them, carried to the Montezuma, and confined under hatches. The next morning the lieutenant commandant went with some

Not stated; value of vessel supposed to be \$20,000.

Not stated

Brig Opbir

The schooner Martha seized and condemned, and the claimants imprisoned.

May 2, 1832

New York State Marine Insurance Co., Commercial Insurance Co., Union Insurance Co.

May, 1835

Thos. Early, Francis Early, Rufus Tummage, Albert G. Fugua

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36

## CLAIMS—Continued.

No.	Name of claimant.	Date of the act complained of.	Name of the vessel, and nature of the property seized, or of the act complained of.	Amount claimed.	Remarks to elucidate the general nature of the claim.
					of his men, provided with crowbars, adzes, axes, &c., and searched the Martha, breaking open the barrels and boxes; after which, they returned, released the passengers, and sent them back to their own vessel. Those of the passengers who had saddles on board for their own use, had them taken from them, under the plea that they were new, and had not been used. On the 6th of May, the lieutenant commandant again repaired on board the Martha, and, after searching the passengers' trunks, took all their arms from them, and put them in his boat. He then called up the black steward of the Martha, and told him to point out those of the passengers who were concerned in loading the guns on the evening of the 3d. When the steward had pointed them out, the lieutenant said that he was going to make the Martha a prize, and to take the four passengers pointed out by the steward prisoners to Vera Cruz. They were, consequently, ordered into the boat, and taken on board the Martha. The next day the other passengers were sent, under the charge of an officer, to Anahuac, and there released. On her way to Vera Cruz, the Montezuma stopped at Matamoras, and, in consequence of the urgent solicitation and remonstrance of our consul there, the four Americans confined on board were liberated. The Mar- tha was then taken to Vera Cruz and condemned. The person in question was ordered to leave Mexico within three days, upon a charge of having published an article in a newspaper, aimed at diverting upon the administration of President Santa Anna. He claims the amount specified for losses sustained in consequence of the act. The seizure is represented to have been made by officers of Harbide, and the money to have been carried to Perota and converted to his use.
			Unjustly and illegally banished.	\$100,000	
37	A. de D. Santangelo.	June 25, 1855			
38	Peter Harmony, Le-roy Bayard & Co.	October, 1853	Specie seized on the way from Mexico to Vera Cruz.	15,000	

*Nota.*—It is proper to mention, that the above is not considered a full exhibit of the just claims of citizens of the United States on the Mexican Government. There are, doubtless, many such claims, for the recovery of which the agency of this Government has not been solicited. Many others have been presented by means of private agents at the Mexican capital, and some probably involving losses to a great amount, (such as the claim of the late Mr. Oliver, of Baltimore) have only been presented to the notice of the Government, and its assistance requested in a general manner, without specifying the particulars of the case.

40	Not stated -	1835	Schooner Hannah and Elizabeth.	Not stated	The captain and crew of this vessel, together with five persons, passengers in her, were seized at Matagorda, in Texas, and carried to Matamoros by the Mexican armed schooner Bravo. The Bravo is also represented to have fired upon the Hannah and Elizabeth.
41	Not stated -	1836	Brig Jane, schooner Compeer, and other merchant vessels of the United States. Forty casks of brandy -	Not stated	Detained by the authorities at Matamoros, in violation of the 8th article of the treaty.
42	Heirs of James P. Wallace.	1835	Mules on board the brig Jane.	-	The property was shipped at New Orleans on board of the United States merchant schooner Felix, which was captured by a Mexican cruiser.
43	J. F. Lund -	1836	Schooner Eclipse	Not stated	Detained at Tabasco.
44	-	1836	Schooner Northampton	-	Wrecked on the Mexican coast.
45	-	1831	-	Not stated	Personal injuries at Menotillan, in Mexico.
46	John Baldwin	-	-	-	-

*Nota.*—There are other claims which were presented to the Mexican Government by the Representative of the United States, without waiting for the directions of the department.



WILLIAM TUDOR, JUN.—REPRESENTATIVES OF.

[To accompany bill H. R. No. 919.]

FEBRUARY 8, 1837.

Mr. CUSHING, from the Committee on Foreign Affairs, made the following

REPORT:

*The Committee on Foreign Affairs, to which was referred the petition of Delia Tudor, report:*

That the facts appertaining to said case are fully stated in said petition, which is herewith submitted; and, in conformity with the prayer of which, they present a bill to the House.

*To the Senate and House of Representatives of the United States of America in Congress assembled:*

The petition of Delia Tudor, now residing at Washington, in the District of Columbia, widow of William Tudor, of Massachusetts, some time judge advocate of the army of the United States during the war of independence, and mother of William Tudor, junior, late chargé d'affaires of the United States at the court of Brazil, deceased,

HUMBLY REPRESENTS,

That her son, the said William Tudor, junior, arrived at Lima, in Peru, on the 27th of March, 1824, with a commission from the President, by and with the advice and consent of the Senate, as consul of the United States at that place: That the republic of Peru was then, and for several years before and after had been, and was, in a revolutionary condition; during which the royal authorities of Spain, and the military and civil rulers of insurrection against the Spanish colonial Government had alternately the possession of the supreme power of the country: That the late John B. Prevost, Esq. of New York, had, under an appointment from the late President, James Monroe, as an informal political agent, resided some time at Lima, with a compensation at the rate of four thousand five hundred dollars a year; but at the time of the arrival of the said William Tudor, junior, at Lima, Mr. Prevost had, upon the expulsion of the revolutionary government, and the temporary restoration of the royal authority, been under the necessity of departing from the city, and of withdrawing to a distant part of the country: That from the time of the arrival of the said William Tudor, jun. at Lima, until the arrival there of his successor, James Cooley; that is to say, from the 27th of March, 1824, to the 15th of May, 1827, the said William Tudor, jun. performed

Blair & Rives, printers.

all the duties of a diplomatic agent, as well during the period while the royal authorities maintained their ascendancy, as during that of the military dominion of General Bolivar, and the subsequent establishment of the republican government of Peru: That, under all these great, sudden, and violent changes of government, by insurrection, conquest, and war, your petitioner feels herself warranted in affirming that the character and reputation of these United States were maintained with unsullied honor and dignity, and the persons and property of their citizens holding intercourse with that country were preserved and protected with signal success, and in an eminent degree, by the firmness, prudence, and conciliatory character and conduct of the said William Tudor acting in the character of their agent, commercial and political. She takes a melancholy maternal pride in affirming, that, by the peculiar merit of a courteous deportment, a generous disposition, and a facility of social intercourse, it was his good fortune to acquire and to preserve the respect and esteem of all the leading persons of the parties, royal and republican, Spanish and American, which, at the most critical juncture of the South American revolutions, successively ruled in Peru. And with no less confidence she appeals to voluminous documents in the Department of State, in proof of the industry, the zeal, the fidelity, and the ability with which the said William Tudor, jun. performed the duty of communicating, with exemplary punctuality and frequency, the most important and correct information respecting the condition of the country and the progress of the great revolution of which he was a witness, and an attentive, judicious, discerning, and impartial observer.

Your petitioner further represents, that, in consideration of these merits and services, the said William Tudor, jun. was, by the Government of the United States, under the last administration, allowed the usual compensation of an informal political agent with unrecognised Governments, for a part of the time only; during which he performed them; namely, from the 10th of March, 1825, the day of the decease of Mr. Prevost, to the 15th of May, 1827, when the charge of Mr. Tudor at Lima was superseded by the arrival of Mr. Cooley; but that, for the preceding service, from the 27th of March, 1824, to the 10th of March, 1825, no allowance has ever been made.

Mr. Tudor did not live to return to his country. He received from the late administration the appointment of chargé d'affaires at Rio de Janeiro; and there, after again rendering services to many of his fellow-citizens, and discharging his trust with results seldom paralleled, and, it is believed, never surpassed in the annals of American diplomacy, in a far distant land, to the inexpressible affliction of your petitioner, his aged and only surviving parent, he closed his eyes upon this sublunary scene forever.

Mr. Tudor believed himself, in justice and equity, entitled to the same compensation from the time of his arrival at Lima, till that of the decease of Mr. Prevost, (that is to say, from the 27th of March, 1824, to the 10th of March, 1825,) as was allowed him by direction of the late President after that event. The same services were, during the whole of that time, performed by him; and, with the exception of a few days in December, 1824, and the beginning of January, 1825, Mr. Prevost was never in Lima, nor, by his local situation, enabled to perform the arduous duties of the agency. They were all performed by Mr. Tudor; and your petitioner cannot doubt



that, had it been the will of Providence to permit his return home, his claim would have been cheerfully allowed. Your petitioner, as his legal representative, now presents the claim to the justice of her own and of his country, in whose service he died, and to that legislative authority by which alone it can be admitted. And your petitioner shall ever pray.

DELIA TUDOR.

WASHINGTON, *January 9*, 1837.



## REPORT

FROM

## THE SECRETARY OF STATE,

IN RELATION TO

*The Claim of Richard W. Meade ; in compliance with a resolution of the Senate.*

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FEBRUARY 13, 1837.

Laid on the table, and ordered to be printed.

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DEPARTMENT OF STATE,

February 13, 1837.

The Secretary of State, in pursuance of a resolution of the Senate of the 4th instant, directing him to communicate to the Senate copies of all such manuscript papers now on file in his Department having any relation to the claim of Richard W. Meade, originally made against the Government of Spain, except those papers which have been heretofore printed by order of either House of Congress upon the subject of this claim, has the honor to transmit a transcript of all the papers remaining upon file in this Department which come within the scope of the said resolution. It appears by the records of the Department that numerous papers relating to the same claim were communicated, on the 16th of January, 1826, to the chairman of a special committee of the Senate appointed upon Mr. Meade's memorial, a list of which accompanies this report; that a copy of other papers upon the same subject was transmitted to the chairman of the committee just mentioned, on the 14th of February, 1826, of which a list is also sent herewith; and that, on the 27th of February, 1828, the then Secretary of State, in compliance with a resolution of the House of Representatives of the 25th of that month, directing him to transmit to that House all the evidence in the Department in relation to this claim, exclusive of such part thereof as went to prove Mr. Meade to be a citizen of the United States, laid before the House all the papers submitted by the said Meade to the commission under the Florida treaty, in support of his claim under that treaty, with the exception above mentioned; which papers were deposited in the Department upon the dissolution of that commission, and which, with certain printed documents referred to in the Secretary's report, were believed by him to contain all the papers in possession of the Department called for by the said resolution—none of which papers, thus transmitted at various times to the Senate and House of Representatives, appear to have been returned to the Department.

JOHN FORSYTH.

Mr. Meade presents his respects to Mr. Brent, and will be obliged to him to let have, per bearer, the document which the Secretary of State informed him, on Saturday evening, would be delivered to him on this morning.

MONDAY MORNING, *February 26, 1821.*

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PHILADELPHIA, *November 13, 1821.*

SIR: I had the honor, in the month of January last, to deliver at the office of the Department of State in Washington, a sealed packet, which was committed to me by Mr. Forsyth, the present minister of the United States in Spain, under my receipt, as the copy of an official despatch by Mr. Erving, the former American minister, to the Marquis of Yrujo, the Spanish Minister of State, on the subject of my claims upon Spain. As that paper has an important connexion with these claims, I take the liberty of requesting to be furnished with a copy of it, under the seal of the Department. If my communications to Mr. Erving upon that subject were transmitted to the Department of State, I shall be much obliged by also receiving authenticated copies of them.

May I, at the same time, request to be furnished with similar copies of my letter to the Secretary of State of the 6th of June, 1818, of Mrs. Meade's letter of the 17th January, 1819, and of the statements which accompanied them.

I have the honor to remain,

With due respect, sir,

Your obedient servant,

R. W. MEADE.

To the Hon. JOHN Q. ADAMS,

*Secretary of State of the U. S., Washington.*

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PHILADELPHIA, *December 1, 1821.*

SIR: In consequence of the communication which I had the honor to receive from you under date of the 19th ultimo, I applied, through Mr. A. C. Mitchell, to Mr. Joseph Forrest, clerk to the commissioners, in order to ascertain the existence there of the particular papers which I had solicited might be furnished to me relative to my claims. Mr. Forrest, on examination of the papers in the office of the commissioners, reports that none of the papers mentioned by me are to be found in his office. The communications from Mr. Erving to the Spanish Minister of State, and to the Secretary of State of the United States, together with the answers, Mr. Forrest presumes are in the State Department, as none such have been transmitted to the office of the commissioners, or at least can be found by him. These documents having reference solely

to my claims, are of the greatest importance to me, and I take the liberty of respectfully soliciting that they may be furnished to me as early as convenient.

I have the honor to remain,  
 With due respect and consideration, sir,  
 Your most obedient servant,  
 R. W. MEADE.

To the Hon. JOHN QUINCY ADAMS,  
*Secretary of State, Washington.*

CASTLE OF ST. CATHERINE'S,  
 CADIZ, March 10, 1818.

SIR: I think it my duty expressly to inform you that I am not indebted to Mr. Erving or any person attached to the legation at Madrid for the documents which are annexed to my memorial, and which have appeared in print; on the contrary, I applied to Mr. Erving, through Dr. Gough, for a copy of his correspondence on by business with the Spanish Government, but he did not even condescend to give me an answer on that point. I have never received any document of any kind to aid me in my defence from Mr. Erving, or any person attached to the legation, but have constantly been obliged to procure my information by force of money; and every interesting document from the War and Finance departments, as well as from the Treasury and Council of War, have been furnished by me to Mr. Erving.

The only document of which I have been unable as yet to procure a copy, is the secret royal order passed to the Council of War, commanding them to delay the business as long as possible, and this is the only document for which I am indebted to Mr. Erving for a knowledge of its existence and contents.

I have thought it necessary to state these circumstances, because I know that Mr. Erving considers it a very delicate subject, and apprehends that suspicions may attach to the persons around him for furnishing me with information which he had thought it prudent to refuse me, though he ought to be sensible that the same means that had procured me all the private documents which I had furnished him with from time to time, could procure me any others in a country like Spain; yet, I have considered it most proper to make this communication to you, sir, to do away any suspicion of the kind.

I have the honor to remain,  
 With due consideration, sir,  
 Your most obedient servant,  
 R. W. MEADE.

To the Hon. JOHN Q. ADAMS,  
*Secretary of State U. S., Washington.*

PHILADELPHIA, *August 31, 1818.*

SIR: A few days ago I delivered a letter addressed to yourself by my husband, R. W. Meade, to General Cadwalader, which I requested him to enclose to you, and to state to you the importance of an early answer, as Mr. Meade would remain in Spain until receiving it. But, having just heard that you had passed through this city on a long journey, I fear you may not have received the letter alluded to, or that perhaps there may be some objections to a reply being given. As the existence of my family almost depends on the settlement of my husband's claims with the Spanish Government, and also the welfare of other individuals who were deeply concerned with him, I am induced to take the liberty of again addressing you.

Mr. Meade had been led to suppose that, by an advance of cash, a cession of lands might be procured at the court of Madrid in either of the Floridas, to cover the probable amount of said advance and *his claims*, but he feared to avail himself of this mode of settlement, having understood that, in case the Floridas should be ceded in sovereignty to these United States, no cessions of lands, after a certain date, would be admitted by the Government of the United States. All hope of receiving payment in any other way had vanished; he, therefore, merely wished to know whether such an arrangement would be approved of and admitted by the United States. Perhaps, sir, his ignorance in business of the State, and his unfortunate situation in that country, have led him to ask a question which may be incorrect, and, consequently, not to be answered by the President or yourself. If so, may I take the liberty of requesting your advice as to the most proper method for him to pursue? He already owes his release to the protecting hand of his Government, for which he as well as every branch of his family, are truly grateful. The last six years have been to him a blank in his life, having made sacrifice upon sacrifice. To leave Spain without any prospect of settlement would be a dreadful alternative, and to waste any more of his time there in expectation, equally dreadful. May I, therefore, entreat, sir, that if it is in your power to give an answer, that you will do so as early as possible, and, if not, that you will so state to General Cadwalader or myself, as on it will depend the return of unfortunate man to his country and unprotected family.

I have the honor to be, sir,

Very gratefully,

Your obedient servant,

M. MEADE.

To the Hon. JOHN QUINCY ADAMS.

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*List of papers sent to the Senate, in the case of R. W. Meade, according to order, 15th January, 1826; to be returned to the Department of State.*

No. 1. Memorial to the Board of Commissioners, (printed.)

No. 2. Report of a Committee of the Senate on Foreign Relations, 28th March, 1818, printed. (The above contained in the envelope No. 1,070.)

- No. 3. Supplemental memorial, No. 1, to memorial No. 1,070.
- No. 4. Deposition of R. W. Meade, &c. of the 8th May, 1824, (marked C.)
- No. 5. Memorial, presented 20th May, 1824.
- No. 6. Memorial, dated 6th January, 1822, (A.)
- No. 7. Spanish document, (B.)
- No. 8. Protest, (C.)
- No. 9. Memorial to the President of the United States, (D.)
- No. 10. Affidavits respecting the currency of Spain, and interest, (H.)
- No. 11. Supplemental memorial to the commissioners, (No. 2,) to memorial No. 1,070.
- No. 12. Certificates of merchants at Cadiz, 22d June, 1819, (No. 7.)
- No. 13. Certified copies of extracts from the official correspondence of the Secretary of State and the ministers at Madrid, and the authorities of Spain, in reference to the case of R. W. Meade, Esq. (No. 9.)
- No. 14. Letter from Cauga Arguelles, Cadiz, 30th April, 1811, (No. 10.)
- No. 15. Mr. Forsyth's letters and affidavit, (K.)
- No. 16. Deposition of Joseph Moreno, taken before F. Hopkinson, (L.)
- No. 17. Memorial to the Cortes, June, 1820, (M.)
- No. 18. Deposition of John Bainbridge and others, (O.)
- No. 19. Documents from Mr. Salmon, 15th April, 1824, (N.)
- No. 20. Gouverneur Kemble's affidavit, 21st May, 1824, (S.)
- No. 21. F. W. Saltonstall's affidavit, 24th May, 1824, (T.)
- No. 22. Letter from Victor Soret, Madrid, 20th September, 1817, (X.)
- No. 23. Cauga Arguelles, relating to provisions, Cadiz, (Y.)
- No. 24. Remanellos, relating to the same, (Z.)
- No. 25. Certificates of Rudolph and others, (U.)
- No. 26. Count Ofalle's letter to Mr. Nelson, 8th March, 1824, (A.)
- No. 27. Felix Megia's affidavit, 7th May, 1824, (B.)
- No. 28. Schedules, (Nos. 1 and 2.)
- No. 29. Letters of Chevalier de Anduaga to R. W. Meade, (No. 1,) 16th October, 1822, covering—
  - No. 2. Bruno Vallerino, 17th May, 1820.
  - No. 3. Same, 1st August, 1818.
  - No. 4. Mr. Adams to R. W. Meade, 6th Sept. 1820.
  - No. 5. Liquidation of claim of R. W. Meade.
- No. 30. Representation of Don Victor Soret, Actual Treasurer General to the Regency of Spain, in answer to the manifests of Richard W. Meade, (F.)
- No. 31. Answers by Mr. Meade to the representations published by the Minister of Finance (Mr. Joseph Vasquez Figueroa) and the Treasurer General, (Mr. Victor Soret,) G.
- No. 32. Proofs of citizenship—to No. 1,070.
- No. 33. George W. Erving's deposition, 18th October, 1822.
- No. 34. Memorial of R. W. Meade to the Legislative Congress of Spain.
- No. 34. Copy of letter from R. W. Meade to General Cadwalader, 2d January, 1821.
- No. 35. Extracts of letters and stated accounts, (V.)
- No. 36. Documents, (in Spanish,) April, 1816.
- No. 37. Certificate of a consul at Cadiz, January, 1816, (No. 2.)

- No. 38. Royal order of 9th September, 1816, (No. 4.)
- No. 39. Order of release, 20th April, 1818, (No. 5.)
- No. 40. Certificate of the members of the Provisional Junta of Cadiz, 27th July, 1818, (No. 6.)
- No. 41. John Leamy's deposition, 26th February, 1821.
- No. 42. Certificate of Don Bartho. Renguenet, Commissary of Marine and Consul of Spain, 26th February, 1821.
- No. 43. Documents P, Q, and R, relating to brig Bayard and cargo, referred to in memorial, 20th May, 1824.
- No. 43. Certified copy of order for liberty—J, (in Spanish.)
- No. 44. Spanish document, "Madrid, Año de 1820."
- No. 45. Representation presented to the regency of the kingdom by the Secretary of State, in consequence of the representation published by R. W. Meade, Cadiz, 1812, (E.)
- No. 46. Showing a scandalous attempt by the Regency of Spain to ruin R. W. Meade, Cadiz, 1812, (D.)
- No. 47. Letters of J. Q. Adams, 18th September, 1818, and Thomas L. L. Brent, 3d March, 1819, (Nos. 3 and 4.)
- No. 48. Sundry letters (from No. 1 to 13) in the envelope endorsed by J. M. (the President of the United States.)
- No. 49. Sundry letters from G. W. Erving, from April, 1818, to May, 1819, (24 in No.)
- No. 50. Original official letters from the President of the Junta, (Nos. 6 and 7.)
- No. 51. Report of the Junta appointed in the case of R. W. Meade.

*List of papers in the case of R. W. Meade sent to the chairman of a special committee of the Senate, on the 4th of February, 1826.*

Commissioners under Florida treaty to Mr. Adams, Secretary of State, 18th April, 1823.

Mr. Adams to Mr. Nelson, minister plenipotentiary in Spain, 13th May, 1823.

Schedule of papers, &c. referred to in the above letters.

Mr. Nelson to Mr. Adams, 26th December, 1823. Extract.

Same to the Marquis de Caso Yrujo, 19th December, 1823.

Count of Ofalia to Mr. Nelson, 11th February, 1824. Extracts.

Same to same, 14th May, 1824. Extract.

Mr. Nelson to Mr. Adams, 31st July, 1824. Extract.

Mr. Meade presents his respectful compliments to Mr. Brent, and requests that he will do him the favor to send him, by return of post, the letter which he has stated in his note to Mr. Mitchell to be already made out and certified, namely, Mr. Erving's letter to the Marquis of Casa Yrujo.

The remainder of the papers Mr. Meade must wait till Mr. Brent finds leisure to transmit them, but the one ready Mr. Meade begs to be furnished with.

PHILADELPHIA, December 20, 1821.



WASHINGTON, *January 7, 1822.*

SIR: I had the honor to receive your letter of the 27th December, covering me a certified copy of Mr. Erving's letter to the Marquis of Casa Yrujo, for which I beg you to accept my thanks.

The documents relative to my case, contained in the 11th volume of Wait's American State Papers, to which you are pleased to refer me, relate altogether to my imprisonment, from the years 1816 to 1818, and have little or no reference to my pecuniary claims on the Government of Spain, and consequently are not included in the papers I have called for, and which the Secretary of the State Department has directed to be delivered to me. The papers I have called for are subsequent to the period of my liberty, in May, 1818, and are necessary to substantiate certain facts required by the articles of the treaty itself. Mr. Erving interposed to procure a settlement of my pecuniary demands on the Spanish Government after I was put at liberty. He made several representations, (of which he gave me information,) both verbal and written. The result of his communications was formally and officially notified to Mr. Forsyth, and it is those documents which I have asked for, and which are required by the treaty. Mr. Forsyth received an official communication in 1820, stating the liquidation and settlement of my accounts. He gave me notice of it, and it is of importance to me that I should have a certified copy of it, as it was notified officially to him before the cortes met, and, of course, long before the King of Spain had the power of making or ratifying a treaty. These documents have not been transmitted to the commissioners under the treaty. They are of no importance to our Government, but they are of vital importance to me, and I cannot but call your attention to them. The occupations of Mr. Adams prevent him from attending to affairs of this sort, but I must hope and earnestly entreat that they may be furnished me as early as possible, as they constitute a part of the defence I may have to make before the commissioners.

It is hardly necessary to add that an early reply would be satisfactory. You must be well aware that the commissioners are now in session, and they are required to form a correct decision on the matter; nor, I trust, will you be offended at my solemnly protesting against the documents being withheld to a time which may bar my rights before the commissioners.

I have the honor to remain,

With due respect, sir,

Your obedient servant,

R. W. MEADE,

*At Mrs. Coolidge's, 7 buildings, Washington.*

DANIEL BRENT, Esq.,

*Chief Clerk of the Department of State, &c.*

WASHINGTON, *January 17, 1822.*

SIR: I have the honor to transmit, for the information of the President of the United States, translations of two letters I have received, one from

the Secretary of State of his Catholic Majesty, dated at Madrid the 16th of June last, and the other from his minister plenipotentiary in this country, the Chevalier de Anduaga, dated at Philadelphia on the 11th instant, both relative to my claims on Spain, which are explicitly stated as embraced by the late treaty, and for which Spain has received a full and complete discharge.

I have the honor to remain,  
With due consideration, sir,  
Your most obedient servant,  
R. W. MEADE.

To the Hon. JOHN QUINCY ADAMS,  
*Secretary of State, &c. Washington.*

*Translation of an official letter from his Catholic Majesty's Secretary of State, dated Madrid, June 16, 1821, to R. W. Meade, Philadelphia.*

The King has made himself thoroughly acquainted with the exposition and documents which you addressed to me on the 14th of last month, through your agent at this court, Don Francisco de la Carrera ; and, by his minister plenipotentiary in Washington, he was previously informed of the correspondence which he had had with you, and of the measures you had adopted with the American Government, in order that, in conformity with the 5th paragraph of the 9th article of the treaty celebrated between the two Powers on the 22d February, 1819, it should pay you the liquidated credit which you hold against the National Finance Department of Spain, for all your demands on it, and the damages to which it refers.

His Majesty being convinced that your credit against the public finances of Spain is comprised in the before-mentioned 5th paragraph of the 9th article of the treaty, as possessing the only two qualifications or characters which are required by said article, has given orders and the corresponding instructions to his minister plenipotentiary at Washington, to support all the measures you may adopt with the Federal Government, directed to obtain the acknowledgment and payment of your credit, on the terms which are stipulated in the 11th article. The circumstance of the minister plenipotentiary of the King not having made particular mention of your credit or reclamation, either before or after presenting the ratification of the before-mentioned treaty, cannot in any manner prejudice the rights you have, or oblige Spain to be responsible for the amount ; because, when a general principle is sanctioned, which embraces all particular cases, it is unnecessary to make individual mention of each of them—a motive which no doubt induced General Vives not to make any express mention of your credit, which he did not of any other case which might be in the same situation.

By royal command, I make the same known to you for your information and government. God preserve you many years ! Madrid, June 16 1821.

EUSEBIO DE BARDAXI Y AZARA.

To Mr. R. W. MEADE.

I certify that the above is the signature of Eusebio de Bardaxi y Azara, the Secretary of State and Despatch of the Spanish Government. Given under my hand and the seal of legation of the United States, at the court of Madrid, 21st day of June, 1821.

THOMAS L. L. BRENT,  
*Chargé d'Affaires of the United States at Madrid.*

I certify the above to be a faithful translation of the original official letter of the Secretary of State to me, and copy of the certificate attached thereto, both in my possession. Washington, June 16, 1822.

R. W. MEADE.

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*Translation of a letter from his excellency the Chevalier de Anduaga, minister plenipotentiary of his Catholic Majesty, to R. W. Meade.*

PHILADELPHIA, January 11, 1822.

SIR: I have received your letter of the 2d instant, in which you are pleased to inform me of the measures you have adopted in order to obtain from my Government the payment of the liquidated claim which you have on the National Treasury or Finance Department of Spain, and the answer which has been given to you, that the same is comprised in the 5th paragraph of the 9th article of the treaty of the 22d February, 1819, and that his Majesty has been pleased to command me to support all the reclamations which you might make on the subject to the Government of this country; and, also, stating the necessity under which you found yourself of protesting that, being compelled by the treaty between Spain and the United States to apply, or have recourse to, the latter for the payment of your credit, you reserved your right, in case of not obtaining it in the whole, or only in part, against the Government of Spain, who had with so much solemnity acknowledged you as its creditor for the amount you claimed; and you conclude with requiring of me to communicate your protest to my court, and to inform the President of the measures you had adopted as regards my Government, and their results.

I lost not one moment in transmitting to the Spanish ministry a copy of your aforesaid letter of the 2d instant, but it has not appeared to me proper to comply with that part of it which relates to my addressing a note to this Government until you shall be pleased to communicate to me whether it has placed any opposition or difficulty in the way of your just demand.

In fact, I should be guilty of a serious libel on the President, if for a moment, I should appear to doubt of his entire disposition to comply most religiously with one of the clearest articles of the treaty of 1819, the literal meaning or context of which does not admit of the most extreme cavil.

When his Catholic Majesty decided on making the sacrifice of such important provinces as those of the Floridas, it was with the object of satisfying in full, and without any deduction, the credits which the citi-

zens of the United States might have against Spain, and it was specified with the utmost care in the treaty what those credits were. The simple perusal of that instrument will demonstrate at once that your credit is evidently comprised in it, and it would be on the part of the American Government an act of bad faith of which it is incapable, to suppose the smallest doubt on this point.

This is so much the more true, as it relates to your credit, as it is of a distinct character from all the others: it is the only one which, after the most minute or scrupulous investigation, has been liquidated and acknowledged by Spain; the only one, for the same reason, that does not require the examination of the commissioners; and the only one, in fine, on which there can be no cavil or discussion.

These reflections, I think, ought to tranquillize you with regard to the results of your reclamation; and, with respect to the instructions which I have received from my court, it is true that they direct me, in the unforeseen event of any difficulty occurring with regard to the payment of your credit, that I should adopt all the necessary steps that it may be effected as stipulated, but always declaring that Spain, according to the treaty of 1819, finds herself totally discharged from the payment of the credit you hold against her, and that the United States have bound themselves to pay it; and that, therefore, neither at the present time, nor at any future period, will Spain attend to any reclamation on the subject.

I offer myself at your disposition, and pray God to preserve your life many years.

JOAQUIN DE ANDUAGA.

To Mr. R. W. MEADE.

I certify the above to be a true and literal translation of the original letter in my possession.

R. W. MEADE.

WASHINGTON, *January 16, 1822.*

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WASHINGTON, *May 17, 1834.*

SIR: Having understood, through public rumor, that a treaty between this Government and Spain has been ratified, within a few days past, by the Senate, and it being possible that some of its provisions may materially affect the claim of the legal representatives of the late R. W. Meade, now pending before Congress, I have deemed it to be my duty, as agent of that claim, to solicit from the Department of State such information of the terms and conditions of the treaty as may be communicated with propriety at present.

Your obedient servant,

D. WILLIAMSON,

*for*

MARGARET C. MEADE,

*Executrix of R. W. Meade.*

To the Hon. LOUIS McLANE,

*Secretary of State of the United States.*

## CHAMBER OF THE COMMITTEE OF FOREIGN AFFAIRS,

March 1.

SIR: The memorial of R. W. Meade, asking of the United States payment of his claim against the Spanish Government, has been referred to the Committee of Foreign Affairs of the House of Representatives. They have directed me to ask of you any information which the Department of State may possess concerning this claim; and, also, whether this claim is considered as embraced within the stipulations of the late ratified treaty, and what is the nature of the claims supposed to be embraced thereby. We are led to these inquiries by the enclosed affidavits which Mr. Meade has submitted. Be pleased to return the affidavits, with such information as you think you can properly communicate.

I have the honor to be,

Your obedient servant,

HUGH NELSON.

The Hon. Mr. ADAMS,  
*Secretary of State.*



## MESSAGE

FROM THE

## PRESIDENT OF THE UNITED STATES,

In compliance with a resolution of the Senate,

*With copies of Correspondence in relation to the Seizure of Slaves on board the brigs "Encomium" and "Enterprise."*

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FEBRUARY 14, 1837.

Read, and ordered to be printed.

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*To the Senate of the United States :*

I herewith transmit to the Senate a report from the Secretary of State, with accompanying papers, embracing a copy of the correspondence requested by their resolution of the 7th instant, and such additional documents as were deemed necessary to a correct understanding of the whole subject.

ANDREW JACKSON.

WASHINGTON, 13th February, 1837.

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DEPARTMENT OF STATE,

*Washington, February 13, 1837.*

The Secretary of State, to whom has been referred the resolution of the Senate, dated the 7th instant, requesting the President to communicate to that body, "if not inconsistent with the public interest, a copy of the correspondence with the Government of Great Britain, in relation to the outrage committed on our flag and the rights of our citizens, by the authorities of Bermuda and New Providence, in seizing the slaves on board of the brigs 'Encomium' and 'Enterprise,' engaged in the coasting trade, but which were forced by shipwreck and stress of weather into the ports of those islands," has the honor to submit to the President, according to his directions, the accompanying papers, being copies of the instructions from this Department to our diplomatic representatives in England, of communications from our diplomatic representatives to the British Government, and of the answers of his Britannic Majesty's ministers, and copies of other letters from the diplomatic representatives of the United States to the Department, relative to the seizures from the vessels "Encomium" and "Enterprise," and to the reclamation for another previous seizure of a like character.

JOHN FORSYTH.

*To the PRESIDENT of the United States.*

## LIST OF ACCOMPANYING PAPERS.

*Instructions from the Department of State to diplomatic representatives of the United States at London.*

- Mr. Livingston to Mr. Van Buren, dated December 5, 1831.—Extracts.  
 Chief Clerk to Mr. Vail, dated September 28, 1832.—Extract.  
 Mr. Livingston to same, dated February 26, 1833.—Extract.  
 Mr. Forsyth to same, dated August 2, 1834.—Copy.  
 Same to same, dated March 28, 1835.—Copy.  
 Same to Mr. Stevenson, dated May 19, 1836.—Extract.

*Communications from diplomatic representatives of the United States at London to the Department of State U. S.*

- Mr. Van Buren to Mr. Livingston, (with enclosure,) dated February 28, 1832.—Extract.  
 Mr. Vail to same, dated July 15, 1832.—Extracts.  
 Same to same, dated November 14, 1832.—Extract.  
 Same to same, (with enclosures,) dated March 30, 1833.—Extract.  
 Mr. Vail to Mr. Livingston, (with enclosures,) dated April 6, 1833.—Extract.  
 Same to same, (with enclosure,) dated April 29, 1833.—Extract.  
 Same to Mr. McLane, dated September 28, 1833.—Extract.  
 Same to same, (with enclosure,) dated January 14, 1834.—Extracts.  
 Mr. Vail to Mr. Forsyth, (with enclosure,) dated August 6, 1834.—Extract.  
 Same to same, dated August 14, 1834.—Extract.  
 Same to same, dated September 13, 1834.—Extract.  
 Same to same, (with enclosures,) dated September 22, 1834.—Extract.  
 Same to same, dated January 14, 1835.—Extract.  
 Same to same, dated January 22, 1835.—Extract.  
 Same to same, dated March 14, 1835.—Extract.  
 Same to same, (with enclosure,) dated May 14, 1835.—Extract.  
 Same to same, dated November 6, 1835.—Extract.  
 Same to same, (with enclosure,) dated November 14, 1835.—Extract.  
 Mr. Stevenson to same, dated July 14, 1836.—Extract.  
 Same to same, dated July 29, 1836.—Extracts.  
 Same to same, (with enclosure,) dated August 6, 1836.—Extract.  
 Same to same, dated August 22, 1836.—Extract.  
 Same to same, dated October 5, 1836.—Extract.  
 Same to same, dated November 19, 1836.—Extract.  
 Same to same, (with enclosure,) dated December 14, 1836.—Extract.



*Extracts of a despatch from Mr. Livingston, Secretary of State, to Mr. Van Buren, Envoy Extraordinary and Minister Plenipotentiary to Great Britain, dated*

DECEMBER 5, 1831.

SIR: I have the honor to transmit to you papers which will give you all the requisite information in relation to a proceeding of the Governor of the Bahama islands, which you are instructed to lay before the British ministry, with a strong expression of confidence that it will be disavowed by its Government.

A vessel going from one of our ports to another, with slaves, the property of American citizens, was wrecked on the Bahama banks. The slaves were, very fortunately, saved, and carried into New Providence, where they were libelled, as being forfeited under the British acts prohibiting the slave trade. The libel was dismissed by the court; but the Governor, of his own authority, declared them to be free, and refused to permit the owners to take them from the island.

This proceeding, so injurious to the rights of our citizens, is attempted to be justified under instructions given by the Government to the Executive of the island.

The arguments to show not only the injustice of this unfriendly proceeding, but its inconsistency with the acts of the Government in relation to this species of property, will naturally suggest themselves to you.

No statesman in England, zealous as some of them have been for the suppression of the African slave trade, has ventured to propose that other nations, by the laws of which slavery was permitted, should be forced to consent to a general emancipation. The English, then, acknowledge that slaves are property—they go further, they acknowledge the right to hold such property in their colonies. Here then, is property legally held by the citizens of a friendly country—of a species allowed to be held by their own subjects—which is forcibly taken, because the calamity of shipwreck has cast it on their shores, not on the shores which they have boasted that no slave could tread without being free, but in a colony where slavery is acknowledged, and where the master's right is protected by severe laws.

If the English statute had declared that property of this kind, when saved from a wreck, should be lost to the proprietor, we should, indeed, have been astonished at this return to the barbarous practice of ancient times, which cruelly took that which the tempests had spared. We should have in vain tried to reconcile it to the just and humane policy of modern nations; but we should, in that case, have been on our guard. When our vessels bilged on such inhospitable shores, we should, at greater risk, have endeavored to convey the cargo to some other place of refuge. Our underwriters would have calculated the increased danger of the cargo being forced into an English port. But the law which is made the authority for these proceedings is silent on the subject; the courts of the island have given it no such construction; and it is only the executive comment upon it that authorizes, as is said, the procedure.

But you may further urge that, admitting it to have been the intent of the act of Parliament that every slave cast by shipwreck on their islands, as well as those brought there by design, should be made free, it would

be too great a reflection on the justice of the nation to suppose that they intended this scheme of philanthropy should be executed at the expense of the unfortunate citizen of a friendly nation. If the humanity of the British nation will not be satisfied unless the slaves who are cast on the coasts of their colonies should become free, their justice will require that the property of the shipwrecked stranger shall not be taken to satisfy the demands of humanity without due compensation; and in this case our citizens will not require that any implied faith pledged to the slaves, by the act of the Governor, shall be violated; they will be content with a moderate valuation.

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On the whole, it is the President's desire that you should take every proper opportunity of urging the right of the claimants to indemnity. The magnitude of the sum makes it a matter of importance to the parties interested, and the principle involved is one of considerable delicacy, in relation to the species of property in question.

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*Extract of a despatch from the Chief Clerk of the Department of State to Mr. Vail, chargé d'affaires of the United States at London, dated*

SEPTEMBER 28, 1832.

The parties interested in the property of the slaves wrecked upon the Bahama banks, and liberated by the Governor of the island of Providence, are exceedingly anxious to procure a decision of their claim upon the British Government, which they cannot doubt will be a favorable one. According to a late communication from you on this subject, the matter had been referred to the law officers of the Crown for their opinion upon it.

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*Extract of a despatch from Mr. Livingston to Mr. Vail, dated*

FEBRUARY 26, 1833.

The case of the slaves wrecked on Abaco is an occurrence that most probably would not have happened had the application of this Government, ten years ago, [relative to the establishment of lights in the Bahama channel,] been attended to—a case which apparently gives as much trouble to the British Government as to ours—but which, however disagreeable the discussion may be to both, must be brought to a conclusion. The claimants are extremely urgent, and the case is too clear to admit of a doubt. The doctrine that would justify the liberation of our slaves is too dangerous to a large section of our country to be tolerated by us. You are therefore again instructed to urge an attention to our application, stating, as a reason for your pressing it, not only those which are contained in the original and subsequent instructions on the subject, but the extreme and just susceptibility of a very large portion of our country on the question which it involves, and that the President relies confidently, not only on the sense of justice of the British Government, but on their wish to remove every unfriendly feeling between the citizens and subjects of the two countries, for a satisfactory arrangement of this business.

*Letter from Mr. Forsyth to Mr. Vail, dated*

AUGUST 2, 1834.

SIR: The delay of the British Government to give any satisfactory answer to the representation which was made, so long ago as the year 1832, and repeatedly called to its attention since, on the subject of the slaves shipwrecked at Abaco, has been the cause of great regret and of some surprise to the President, and has given rise to serious and frequent complaints on the part of the individuals interested.

It is with painful feelings that the President has witnessed a similar disregard, upon the part of the authorities of New Providence, to the rights and interests of American citizens who have had the misfortune to be brought by shipwreck within their jurisdiction.

By the papers which are now transmitted to you, it will be seen that, in the month of February last, the American brig *Encomium*, Sheffield, master, bound from Charleston to New Orleans, with a cargo and passengers, among whom were 45 negro slaves, the property of American owners, who were also on board, was wrecked near Fish Key, Abaco, whence the passengers were carried to Nassau; that on their arrival the slaves were seized while on board the wreckers, by an officer of the customs, and taken to the police office, where they were set at liberty by the magistrate, although the consul of the United States, who was present, protested, on behalf of the owners, against the slaves being taken out of their possession; that, on the day following, the owners being about to embark for the United States, the consul wrote to the Lieutenant Governor, to inquire whether there was any impediment to their taking their slaves with them, and was answered by his secretary that, by so doing, they, as well as all others accessory, would be liable to be hanged.

By a communication subsequently made to the consul by the Lieutenant Governor, it appears that he acted in regard to the slaves, under an opinion, given in the year 1818, by Sir Christopher Robinson and Lord Gifford to the British Secretary of State, a copy of which, and of the Lieutenant Governor's communication, it is thought proper, in justice to him, to place with the other papers.

This transaction has produced a strong sensation in the United States, and particularly in the South, where it is viewed as a direct interference with their rights of property; rights which had their origin under British institutions, and have since been sanctioned by our own.

It cannot be denied that the circumstances of this case furnish abundant grounds for the dissatisfaction which it has produced. The slaves were in the quiet possession of their owners, on board the wreckers, when they arrived at Nassau, and, for all that appears to the contrary, would have so remained. They had preferred no claim to the authorities of the island to interpose for their discharge; nor had the owners made any call for such interposition to enforce their possession.

Indeed, there was not, on either side, any application to those authorities, and their interference was wholly voluntary and gratuitous. The legal rights of the owners of the slaves, according to the laws of their own country, were well known to the officers at Nassau; and, instead of respecting those rights, and seeking that they should remain undisturbed,

as might have been expected from the authorities of a friendly nation, those officers openly disregard them, and exerted themselves only to cause them to be violated by others. Having begun by forcibly dispossessing the owners, with whom the slaves were quietly remaining, they set them at liberty, and finally held out the punishment of death to deter the owners from taking them away. The law opinion under which the Lieutenant Governor professes to have acted, relates to the slave trade, —to *Africans* only, and cannot apply to slaves born in the United States, and belonging, for generations, to American citizens, under titles derived from British laws, prior to the separation of the two countries. That it should have been construed to include a description of persons who are clearly not embraced within its terms, would seem to indicate a disregard for interests of great importance to a large portion of the American people, which was not looked for on the part of a friendly nation; and, that such cause of complaint should a second time arise in the same quarter, is a circumstance which adds to the unfavorable impression that the transaction has produced.

It is the President's desire that you will take an early opportunity to bring this case before the British Government, and express his hope that, after fully weighing the whole subject, that Government will see that an early indemnification to the proprietors, in both cases, and the prevention of similar injuries in future, are due both to justice and to the friendly relations between the two countries.

I am, sir, respectfully,

Your obedient servant,

JOHN FORSYTH.

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*Mr. Forsyth to Mr. Vail.*

DEPARTMENT OF STATE,

Washington, March 28, 1835.

SIR: I transmit to you, herewith, the copy of a letter dated on the 2d instant, just received at this Department from the consular commercial agent of the United States at Bermuda, communicating some particulars relative to the seizure and subsequent liberation of certain slaves, a part of the cargo of the American brig "Enterprise," Smith, master, bound from Alexandria, D. C. to Charleston, S. C.—which vessel had been obliged to put into the port of Hamilton, in distress, having experienced severe weather, and fallen short of provisions. It is the wish of the President that the case should be immediately brought to the attention of the British Government, and that redress be claimed for this gross outrage upon the rights and interests of American citizens. You will make use of this occasion, unless an answer has already been given to you respecting them, to call the attention of his Majesty's Government to the unreasonable delay which has taken place in deciding upon the questions of a similar character, presented in your previous notes.

I am, sir, your obedient servant,

JOHN FORSYTH.

*Extract of a despatch from Mr. Forsyth to Mr. Stevenson, dated*

MAY 19, 1836.

In the present state of our diplomatic relations with the Government of his Britannic Majesty, the most immediately pressing of the matters with which the United States legation at London is now charged, is the claim of certain American citizens against Great Britain for indemnification for a number of slaves, the cargoes of three vessels wrecked on British islands in the Atlantic, near this continent, who were carried into those islands, seized, and subsequently liberated by the local authorities; whereby the owners have experienced an almost total loss of their property. The instructions of this Department, and the correspondence that has already passed between the diplomatic representatives of the United States and the British Secretary of State for Foreign Affairs on the subject, which will be found on the files of the legation, to which you are referred, will put you fully in possession of all the facts relating to these cases, as well as of the views of the President in regard to them; and will also acquaint you with the progress made towards a definitive settlement of the affair. I shall therefore content myself with expressing to you the President's anxious wish that no time should be lost, and no exertion spared on your part, to effect an early adjustment of this long-pending claim; the delay which has already occurred having given him great dissatisfaction.

*Extract of a letter from Mr. Van Buren to Mr. Livingston, dated*

FEBRUARY 28, 1832.

I herewith transmit to you a copy of the note which I addressed, on the 25th instant, to Lord Palmerston, in behalf of the owners of the slaves wrecked in the brig "Comet," on a reef near the Bahama banks. You will perceive, on perusing it, that, availing myself of the latitude given me by my instructions respecting this claim, and taking into consideration the state of public feeling, and the extreme sensibility which prevails here on all subjects connected with slavery, I have deemed it proper to go farther into the matter than the suggestions in your communication seemed strictly to require. The arguments in favor of the claim also involved principles so interesting to a portion of our countrymen as to render it proper to give them the fullest consideration. I hope that my endeavors to have justice done to the claimants may meet the approbation of the President.

*Mr. Van Buren to Lord Palmerston.*

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America, has the honor, in obedience to instructions recently received from his Government, to submit to the right honorable Lord Viscount Palmerston, his Majesty's principal Secretary of State

for Foreign Affairs, the claims of several citizens of the United States upon his Majesty's Government, for injuries which they have sustained, in consequence of certain proceedings of the British colonial authorities of the Bahamas.

The prominent facts of the case, in regard to which there does not appear to be any dispute, are as follows :

Certain citizens of the United States, owners of one hundred and sixty-four native American slaves, being desirous of removing them, coastwise, from Alexandria, in the District of Columbia, to New Orleans, in the State of Louisiana, both places being within the jurisdiction of the United States, shipped them, for that purpose, in December, 1830, on board the American brig "Comet," Isaac Staples, master. The shipment and intended transfer of the said slaves being sanctioned by the laws of the United States, the vessel was regularly cleared at the custom-house, and provided with all the necessary papers to establish the legality of her voyage. Whilst proceeding thereon, the "Comet" was driven out of her course by adverse winds and tempestuous weather; and, on the night of the 3d January, grounded on an insulated reef, about ten miles to the windward of the island of Abaco, and was there totally lost. Before the vessel went to pieces, an island sloop, and some sail-boats came to her assistance, and aided in saving the lives of the persons on board, by landing them on a small key called Spanish Key, situated between the reef and the island, at the distance of about three or four miles from the one and five or six from the other. This key, though so denominated, is, it appears, but a bare and desert rock, furnishing neither vegetation nor fresh water for the use of man, and separated from the island by a channel. To obtain the means of subsistence, and fit out the vessel for the accommodation of so great a number of persons, they proceeded to Green Turtle Key; from whence it was Captain Staples's intention to sail, in the wrecking-vessel, for Key West, or some other port of the United States, where he might have found the means of proceeding to his original destination. But failing to prevail upon the wreckers to afford him the use of their vessel, he was obliged to yield to their terms, and to sail in those vessels, with all the persons rescued from the wreck, to the port of Nassau, in the island of New Providence, where the wreckers insisted upon carrying them, and where they arrived on the 11th January, 1831. The landing of the slaves from the wreck on Spanish Key, their transfer to Green Turtle Key, and final removal to the port of Nassau, appear to have been acts of necessity, arising from circumstances of misfortune, over which Captain Staples had no control. On his arrival at Nassau, he took every proper step to prevent the landing of the slaves, and immediately purchased, for four thousand dollars, a brig, which he proceeded to fit out, with all possible despatch, for the conveyance of the slaves to New Orleans; but before this could be accomplished, a notice was served upon him by the custom-house officers of Nassau, that the slaves would be detained until the opinion of the Governor and crown-lawyers of the colony could be obtained, as to their liability to seizure under the British statutes concerning the abolition of the slave trade; and on the 15th of January, the fourth day after their arrival, all the slaves then remaining on board the wrecking-vessels, together with fifteen who,

notwithstanding the precautions taken to prevent it, had made their escape by swimming to the shore, were seized by the custom-house officers for a violation of the statute above referred to; and those remaining on board of the vessel were forcibly taken from the possession and custody of Captain Staples, and landed at Nassau.

Proceedings were forthwith instituted by the officer who had made the seizure, in the instance court of vice admiralty for the Bahamas, against the slaves referred to, for an alleged violation of the act of Parliament (5 Geo. IV. chap. 113) "to amend and consolidate the laws for the abolition of the slave trade." This harsh attempt to convert involuntary acts of Captain Staples, growing out of accidents beyond human control, and indispensably necessary to the preservation of human lives, into infractions of a penal statute meriting forfeiture, was, after a full hearing of the parties, very properly condemned by the court, and the libel or information dismissed. The illegality of the seizure having thus been judicially determined, Captain Staples, after complying with the requirements of the decree in regard to the costs of suit, trusted that no further difficulty would be interposed to prevent the removal of the slaves to the port of their original destination. The undersigned regrets to say that this reasonable expectation was not realized. It appears that the colonial authorities, notwithstanding the decision referred to, took upon themselves to release the slaves from all the relations in which they had stood with regard to their owners, and refused to surrender them to Captain Staples; notwithstanding, also, the repeated memorials addressed to them by him, and by the consular agent of the United States in the Bahamas.

In taking this step, the Governor acted, it would seem, in conformity with an opinion of the judge of the instance court, which did not form a part of the original decree, but in which he declared that the slaves *having been once landed*, there was, in his opinion, no law by which they could legally be dealt with as slaves in that colony, or which would authorize the Governor to deliver them up, without their consent, to the claimants, for the purpose of being conveyed to another country, to be so dealt with; and that, therefore, they must, as a necessary consequence, be considered as free persons, and not as slaves illegally imported.

Of the whole number of slaves, one hundred and forty-six were insured by three insurance offices in the city of New Orleans for \$71,330. The assured having been thus deprived of their property, made their abandonment to the several offices, under the claim in the policy against the risk of "detainment by foreign Powers," and on the usual proof of loss and interest, received the amount of their several policies. The underwriters, namely: The Louisiana State Insurance Company, The Mississippi Marine and Fire Insurance Company, The Merchants' Insurance Company of New Orleans, together with Colonel Charles C. Tutt, navy agent of the United States at Pensacola, in the Territory of Florida, and Sylvanus W. Mudd, owners of the slaves which were not insured, sent an agent to Nassau, with instructions to demand the slaves from the authorities of that place, and, if delivered up, to send them to New Orleans; and in case of refusal, to have all the necessary documents duly authenticated, and submit them to the Government of the United States. The manner in which these duties were performed by the agent,

Mr. Morse, appears from his report, a copy of which the undersigned has the honor of laying before Lord Palmerston.

It appears that his excellency Major General J. C. Smith, Governor of his Majesty's possessions in the Bahamas, referred the claimants to the Secretary of State for the colonies, with an intimation that the whole subject had been fully reported to that department of his Majesty's Government, and suggestions authorizing the inference that, in the steps which had been taken in the premises, his excellency had acted under the orders of his Government.

It is upon the circumstances of which the preceding statement furnishes a general outline, and which are more minutely described in the accompanying papers, to which the undersigned respectfully invites Lord Palmerston's early attention, that the present claimants apply to the justice and equity of his Majesty's Government, for indemnity for the heavy losses which they have sustained. In the few observations which the undersigned thinks it proper to submit in support of this claim, he does not deem it necessary to say any thing in confirmation of the decision of the instance court upon the question of forfeiture, fully confident, as he cannot but feel, that the unfounded pretences set up by the officers who made the seizure, and which were so properly condemned by the court, will receive no countenance from his Majesty's Government.

The Governor of the Bahamas, in severing the connexion which existed between the slaves in question and their masters, acted, it would seem, in conformity to the *ex parte* opinion already referred to, delivered by the judge of the instance court, which declared that the adoption of that course was the unavoidable consequence of the actual landing of the slaves in the colony, a consequence of the unfairness of which, as it respected the claimants, he was not insensible, but which he did not think it was in the power of the Governor to avoid.

By the *actual landing* here spoken of, the undersigned is bound to understand Judge Mannings as referring to their landing at Nassau, in consequence of the unlawful seizure of them by the custom-house officers of that place, by which landing they had been brought within the actual control and placed under the protection of the local authorities; for the undersigned cannot, for a moment, suppose that the idea intended to be conveyed was, that the mere fact of landing the slaves upon a bare rock on the Bahama coast, to save them from immediate death, or even touching with them at another island for the sole purpose of saving them from starvation or loss in the small-crafts which had come to their rescue, justified; or that any principle of humanity or official duty required the custom-house officers to follow the slaves in question, circumstanced as they were, and take them from the vessels with a view to their emancipation. Having properly decided that the landing of the slaves from the "Comet," by Captain Staples, did not constitute the *importation* of them into the colony, denounced by the act, and to which the penalty of forfeiture is attached, because it was not a case within its spirit and policy, it would seem to follow as a necessary consequence that no forfeiture or disability could be incurred by their immediate *re-shipment* with a view to the prosecution of their voyage. Understanding the opinion in this, which, to the undersigned, appears to be its only admissible light, the necessity of regarding the slaves as freemen is re-



ferred, not to the means previously used to rescue them from the perils of the sea, but to the acts of the authorities of the island in voluntarily assuming the possession and protection of them, by which acts those authorities, according to the idea of the judge, put it out of their power to allow the compulsory return of the slaves to the subjection of their masters. Admitting, therefore, that the judge of the instance court was correct in his position, the important fact still remains, that this inability and the consequent loss sustained by the claimants, arose altogether from the confessedly illegal acts of the custom-house officers of the port of Nassau in making the seizure and in effecting the landing of the slaves at that place, against the wishes and in defiance of the remonstrances of Captain Staples and the consular agent of the United States.

The liability of his Majesty's Government to redress the injury which, according to this view of the subject, the claimants have received, appears to the undersigned too clear to be disputed ; and, sensible that the case of the claimants might, so far as the question of strict right is involved, be safely allowed to rest on this sole ground, it is with extreme reluctance that the undersigned feels it his duty to extend this communication, already protracted beyond his wishes. There are, however, considerations arising from the ground which has been taken in this case, and from the consequences which might ensue if the principle assumed should be carried to its legitimate results, so calculated to affect the interests and excite the deep sensibility of a large and highly respectable portion of the citizens of the United States, that the undersigned is constrained to take a brief notice of the opinions upon which the colonial authorities appear to have acted.

The participation of the United States in the desire entertained by Great Britain for the final annihilation of the slave trade is known to the world, as is also their willingness to apply to the great end, and to the mitigation of the evils of existing slavery, all the means at their disposal which are consistent with their internal condition and the nature of their institutions. But, zealous and active as they have been in common with the Government of Great Britain for the early and effectual suppression of that infamous traffic, they have not ventured, nor has any statesman of either country ventured to propose the slightest interference with the rights and duties of master and slave in other States, by the law of which domestic slavery was permitted to exist. On the contrary, the Government of the United States, respecting the actual and unavoidable condition of things at home, while it most sedulously and rigorously guards against the further introduction of slaves, protects, at the same time, by reasonable laws, the rights of the owners of that species of property in the States where it exists, and permits its transfer, coastwise, from one of those States to another, under suitable restrictions, to prevent the fraudulent introduction of foreign slaves. In this respect their course is similar to that of the British Government in regard to those portions of his Majesty's dominions where slavery is allowed ; and the case now presented to its consideration is, the undersigned is happy to be able to say, not in any way connected with the policy of the two countries in regard to the abolition of the African slave trade.

The undersigned is quite confident that Lord Palmerston will not find it difficult to satisfy himself that the opinion of the judge of the instance

court in which the inability of the colonial authorities to afford the required redress is set forth, was not warranted by the facts upon which it was founded. In that opinion it is not pretended that the inability of the Government to surrender the slaves to their owners arose from any of the provisions of the act of 5 Geo. IV. c. 113, for the abolition of the slave trade; nor could that position have been maintained with any show of reason.

It is most evident to the undersigned that cases like the present are neither within the policy of that act, nor embraced in the intentions of its framers; and it was, doubtless, upon that principle that the claim of forfeiture was rejected by the court. That intention obviously was to carry into effect the avowed policy of his Majesty's Government, by forbidding his subjects, not only all direct participation in that trade, but also all assistance and facilities to those by whom it was still prosecuted, and to restrain and regulate the transfer of slaves held in lawful bondage from one portion of his Majesty's possessions to another. The case of slaves, born and held as such under the laws of a foreign friendly nation, cast by shipwreck upon the coasts of those possessions under circumstances like the present, was not in the contemplation of the Legislature, and cannot, therefore, under a just, liberal, and legal construction of that act, be viewed as embraced in its provisions. The propriety of this view of the act is sustained by the general character and scope of its provisions, and more particularly by the 23d section. By that section it is provided that, "in case any person or persons, *illegally held or detained in slavery*, shall hereafter, *by shipwreck*, or otherwise, be *cast upon*, or shall *escape* to, or *arrive* at, any island or colony, &c. under the dominion, or in the possession of his Majesty, it shall and may be lawful for his Majesty, his heirs, &c., or for any such officer, civil or military, as aforesaid, to deal with, protect, and provide for any such person or persons, in such and in the same manner as is hereinbefore directed with respect to persons condemned as prize of war, or as forfeited under this act." This section could surely not have been deemed necessary, if the framers of the act had supposed that the effects of its provisions would be to produce the same result in all cases of slaves cast away upon such islands, whatever might have been their previous condition in respect to the legality of their detention.

The undersigned presumes, therefore, that it has been by the application of the rule established upon the subject in Great Britain, to the Bahamas, that the judge of the instance court has arrived at his conclusions in the case under consideration. If such is the fact, it appears to the undersigned, with all respect to that judicial functionary, to be only necessary to state the rule and the circumstances upon which it rests here, to show the fallacy of its application to the Bahamas. Great Britain having long since relieved herself from slavery, it was contended that the air of England had become too pure for a slave to breathe in, and her courts of law, upwards of half a century since, confirmed that assumption by effectually restraining the exercise of any pre-existing rights of ownership over persons brought within their jurisdiction. This principle in her jurisprudence has been undeviatingly persevered in—it has become known to all the world—and nations in whose dominions slavery is tolerated, have been able to conform to it in their intercourse with her.

Can it be that this principle of common law is applicable to a colony where, by the law of the place, negroes and their descendants, who have not been emancipated by their owners, are slaves, and saleable as other property, where the master's rights are amply protected by particular laws, where negroes may not only be dealt with as slaves at home, but may be removed, coastwise, from one part of the island to another, and with permission, from island to island, where the owners may at their pleasure employ them on the high seas, in navigation or fishery, or place them in the naval or military service of his Majesty, and even take a particular class of them, by sea, to any place whatever, without, in any case, forfeiting their rights as owners?

The entire insufficiency of the reasons which might justify a refusal to comply with the request of the claimants, if the transaction in question had taken place in England, is, as applied to a case arising in the Bahamas, too manifest, in the opinion of the undersigned, to be disputed. In the former supposition, the claimants might be truly informed that they sought the exercise in their behalf of an authority alike at variance with the public sentiment and the established law of the land, and which no British subject could invoke. At Nassau, no such ground could be taken. All that was asked of the local authorities was an extension to the claimants of the same protection in regard to their property which would have been given to British subjects belonging to those parts of the British possessions abroad where slavery is allowed, in a case where, like the present, the pre-existing rights of the owner had not been forfeited by an illegal introduction of the slaves into the Bahamas.

But we are not left to discussion and speculation upon this point. The original establishment of the principle in England was founded on the declared assumption that the law of the colonies could have no bearing upon the question in England, so far as regarded the personal rights of the slave whilst in England; and it has been solemnly decided by the high court of admiralty in this country, in case of the "slave Grace," (2 Haggard's Admiralty Reports, p. 94,) that the rule established in England has no application to the colonies; that though a slave coming to England from the colonies is released by the law of the land from the control of his master, while he continues in the country, and cannot be sent out of it without his consent, yet he continues virtually a slave, and on his return to the place of his birth and servitude, the right to exercise the former control over him revives in his master.

The undersigned is not otherwise advised of the orders which his Majesty's Government may have given to the Governor of the Bahamas, than may be inferred from the opinion of counsel contained in Mr. Morse's statement. As this communication, in consequence of the interesting considerations involved in its subject, has already been extended farther than the undersigned could have wished, he will confine himself to but one or two general observations in regard to the applicability of the above-mentioned opinion to the present case. It will be seen that the circumstance by which it was produced was the shipwreck on the coast of a British settlement, at the Cape of Good Hope, of a Portuguese slave ship, on its passage from the coast of Africa to Brazil; and the point submitted was the manner in which Africans who, on their transportation from Africa to Brazil, as slaves, were either abandoned

or cast away on the shores of a British colony, should be dealt with by the colonial authorities according to acts of Parliament for the abolition of the slave trade, and the degree of assistance which those authorities might, under any circumstances, give the Portuguese, by whose laws that inhuman traffic was still permitted, to enable them to carry it on. In answer to a question thus propounded, his Majesty's law officers said, that any act on the part of those authorities beyond what was necessary to save the lives of the slaves from the dangers of the sea, and which had for its object to restore them to those who were engaged in the slave trade, would be affording facilities to that trade, contrary to the spirit and intention of the act by which it was severely denounced, and the declared object of which was the entire suppression of that trade. The undersigned cannot for a moment believe that it was within the contemplation either of those who framed the act, or of those by whom it was thus expounded, to embrace persons born in servitude in the territories of a friendly nation equally zealous with Great Britain in putting an end to the slave trade, equally anxious to mitigate the evils of slavery where its existence is found unavoidable, but which has felt itself also equally bound to protect by just regulations rights which had been acquired under the sanction of their laws before the African slave trade was prohibited by them. Viewing the subject in this light, the undersigned feels the strongest confidence in expressing, as he has been instructed to do, the just expectation of the President that his Majesty's Government will order the slaves in question to be given up to the claimants, and reasonable indemnity to be made to the latter for the damages caused by the detention of their property, and by the loss of such of the slaves as may not now be found; a request which Lord Palmerston will readily admit derives a claim to the most favorable consideration from the fact, which is of undoubted authority, that it is in conformity with a course which the Government of the United States, notwithstanding its highly penal statutes against the voluntary introduction of foreign slaves within its territories, and denouncing all participation by American citizens in the African slave trade, has, nevertheless, pursued with regard to slaves belonging to British subjects, who, being lawfully employed in navigation, have been rescued from the perils of the sea by the intervention of citizens of the United States.

Should it, however, be decided that his Majesty's Government is unable to comply with this request, in consequence of the actual landing of the slaves on the island of New Providence, through the illegal seizure of them by the custom-house officers, and of the application to their case of the general principles of the English law; or should it be declared that it was the intent of the act of Parliament, through motives of humanity, to give freedom to every slave landing on the coast of a British colony, whether cast upon it by shipwreck or brought thither by design, and without reference to his previous condition or the manner in which the owner's interest in him was acquired, the undersigned is persuaded that the justice of the British Government will take care that the property of the citizens of a friendly nation, thrown by shipwreck on their coasts, shall not, under circumstances like those of the present case, be sacrificed by any misconstrued application of British laws, or by any indulgence of their own feelings of philanthropy; but that all suitable

compensation will be made to such individuals for the property taken or detained from them.

The claimants will not require that any implied faith pledged to the slaves by the act of the Governor of the Bahamas shall be violated : they will, therefore, be content with a moderate valuation, much less than that put upon the slaves by the Legislative Assembly of New Providence. Among the papers herewith transmitted will be found an estimate of the value which the claimants consent shall be put upon them, and which, with a reasonable remuneration of expenses, the undersigned is authorized to accept.

The undersigned gladly avails himself of this occasion to renew to Lord Palmerston the assurance of his highest respect and consideration.

M. VAN BUREN.

STRATFORD PLACE, *February 25, 1832.*

*Extracts of a letter from Mr. Vail to Mr. Livingston, dated*

JULY 15, 1832.

In fulfilment of the wishes, intimated in your despatch No. 2, of the 30th of May, I sought, and on the 14th instant obtained, an interview with Lord Palmerston, in the course of which I had an opportunity fully to lay before him your views in relation to the subjects referred to in that despatch ; and also to call his attention to other topics, which had before given rise to correspondence between him and the legation.

\* \* \* \* \*

I then took occasion to remind his lordship of Mr. Van Buren's note to him of the 25th of February last, on the subject of the claim of the owners of a number of slaves shipwrecked on the island of Abaco, in the brig Comet, and seized at Nassau by the colonial authorities of the Bahamas. He, in answer, confirmed the information which I had, the day before, received from Sir George Shee, one of the under Secretaries of State for Foreign Affairs, to whom the subject had been referred, that the case had been sent to the law officers of the Crown, for their opinion upon points of law which had arisen from it, and the promise also made me by Sir George to inquire what progress had been made by that branch of the Government, and to urge its further advance towards a termination.

*Extract of a letter from Mr. Vail to Mr. Livingston, dated*

NOVEMBER 14, 1832.

With regard to the claim of the owners of slaves wrecked in the Bahamas, in the brig Comet, to which, also, allusion is made in the despatch above referred to, I called yesterday at the Foreign Office, to inquire the stage at which the promised investigation of that claim had arrived. I regret to say that the case still remains before the law offi-

cers of the Crown, who have not yet reported upon it. The Under Secretary of State, who has charge of the subject, has promised me to inquire into the cause of the delay, and to urge the immediate action of the law department upon it.

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*Extract of a letter from Mr. Vail to Mr. Livingston, dated*

MARCH 30, 1833.

I have seldom omitted to avail myself of the opportunities afforded me by incidentally meeting with Lord Palmerston, to call his attention to the various subjects remaining unadjusted between the two Governments in which I thought that my further agency might be usefully employed. Among these, the claim of the owners of the slaves shipwrecked in 1830, on the island of Abaco, in the brig "Comet," has often been the subject of conversation, both with Lord Palmerston and with Sir George Shee, the Under Secretary, more especially charged to inquire into the subject; but, so far, without any satisfactory result. More than a year having now elapsed since the claim was first presented, in Mr. Van Buren's note of the 25th February, 1832, which still remains unanswered, I thought it time that a fresh appeal, bearing an official character, should be made; and, a few days ago, informed Lord Palmerston of my intention of addressing him a communication upon the subject. He unhesitatingly promised that he would make use of it to hasten the progress of the investigation which he had ordered to be made of the merits of the claim; and I accordingly addressed to him, on the 25th instant, the note of which I have the honor herewith to transmit to you a copy.

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*Mr. Vail to Lord Palmerston.*

The undersigned, chargé d'affaires of the United States of America near the Government of his Britannic Majesty, has the honor, agreeably to instructions at various times received from his own Government, to call the attention of the right honorable Viscount Palmerston, his Majesty's principal Secretary of State for Foreign Affairs, to a note, still remaining unanswered, which was addressed to his lordship on the 25th of February of last year, by Mr. Van Buren, late envoy extraordinary and minister plenipotentiary of the United States at the British Court, setting forth the claim of sundry American citizens upon his Majesty's Government, for the value of a number of slaves shipwrecked in 1830, while proceeding in the brig "Comet," from Alexandria to New Orleans, on the island of Abaco, and seized by the colonial authorities of the Bahamas, for an alleged violation of the laws prohibiting the importation of slaves into his Majesty's colonies.

In the note to which reference is made above, Mr. Van Buren so fully presented to the view of his Majesty's Government the considerations of undoubted justice which had induced that of the United States to interpose in behalf of the claimants, that the undersigned deems it

unnecessary to add any further remarks upon the merits of the claim: he will content himself, for the present, with repeating what he has, on several occasions, had the honor verbally to state to Lord Palmerston, that the President looks with undiminished solicitude to a decision which he believes cannot be otherwise than favorable to the parties interested, in the hope that the enlightened justice of his Majesty's Government will not allow the great loss incurred by the claimants, in consequence of the detention of their property, to be aggravated by any unnecessary protraction of the delay which has already occurred in the adjustment of their claim.

The undersigned, relying upon the promise made to him by Lord Palmerston that he would hasten the settlement of the claim referred to, avails himself of this opportunity to offer to his lordship the renewed assurance of his most distinguished consideration.

A. VAIL.

304 REGENT STREET,  
25th March, 1833.

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*Extract of a letter from Mr. Vail to the Secretary of State, dated*

APRIL 6, 1833.

You will perceive, by the enclosed copy of a note which, on the 25th of last month, I addressed to Lord Palmerston, that I had anticipated the wishes of your Department with regard to the claim for the slaves shipwrecked in the "Comet" on the rocks of Abaco. The long delay which had attended the examination of the case by the crown lawyers, to whom it had been referred, and the belief that more than sufficient time had been afforded them for the purpose, had induced me to repeat, in writing, the verbal applications, several times made by me, for a settlement of the claim. The answer, of which a copy is likewise enclosed, was received at the moment I was about sending in another communication, prepared in obedience to your despatch No. 10, which had come to hand in the mean time. Still, as that despatch contained some new considerations in behalf of the claim, which, I thought, might be urged with advantage, I prepared and sent in another note, dated the 4th instant, also herewith communicated, which I hope will have the effect of quickening the action of the legal advisers of the Crown. It was my wish, in delivering the last-mentioned note, to have explained these circumstances to Lord Palmerston in a personal interview; but, being unable to do so, in consequence of an illness which confined him to his chamber, I had a conversation with the under Secretary of State, whom I endeavored to impress with a sense of the desire of the President that this matter should be speedily arranged. He said that, although the justice of the claim seemed to admit of no doubt, yet, from the difficulty of reconciling the principle it involved with existing laws, it derived some complexity, which had been a subject of much embarrassment to the crown lawyers; that the King's advocate, to whom the case had been sent, fearful of assuming the responsibility of deciding by himself, had called the Attor-

ney General to his assistance, and that both were engaged in preparing a report, upon which the ministers would act in finally deciding upon the merits of the claim.

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*Lord Palmerston to Mr. Vail.*

The undersigned, his Majesty's principal Secretary of State for Foreign Affairs, has the honor to acknowledge the receipt of a note which was addressed to him on the 25th instant by Mr. Vail, chargé d'affaires of the United States of America at this court, upon the subject of the claim set up by sundry American citizens upon his Majesty's Government for the value of a number of slaves shipwrecked in 1830, while proceeding, in the brig "Comet," from Alexandria to New Orleans, on the island of Abaco, and seized by the colonial authorities of the Bahamas, for an alleged violation of the laws prohibiting the importation of slaves in his Majesty's colonies.

The undersigned has the honor to state, in reply, that the subject is at present under the consideration of the law officers of the Crown, to whom it has been referred by his Majesty's Government; and, so soon as a report shall have been received from those officers, the undersigned will have the honor to communicate to Mr. Vail the decision which his Majesty's Government may come upon the question.

The undersigned avails himself of this opportunity to renew to Mr. Vail the assurances of his distinguished consideration.

PALMERSTON.

FOREIGN OFFICE,  
March 30, 1833.

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*Mr. Vail to Lord Palmerston.*

The undersigned, chargé d'affaires of the United States of America, had the honor to receive, yesterday, a note which the right honorable Lord Viscount Palmerston, his Majesty's principal Secretary of State for Foreign Affairs, addressed to him on the 30th of last month, stating, in answer to a communication from the undersigned, that the claim presented in behalf of citizens of the United States for a number of slaves seized by the colonial authorities of the Bahamas, was under the consideration of the law officers of the Crown; and that, on the receipt of their report, the decision which his Majesty's Government may come upon that claim would be communicated to the undersigned.

The undersigned flatters himself that he perceives, in Lord Palmerston's note, the prospect of an early adjustment of this claim, and will hasten to communicate the gratifying information to his Government. Since, however, he last had the honor of addressing his lordship upon the subject, and before the note above referred to came to hand, he received from the Secretary of State of the United States special in-



structions, which make it his duty to avail himself of this communication, instead of one which, with the same view, he was on the point of forwarding to Lord Palmerston when his lordship's note of the 30th ultimo was received, to state some of the grounds on which the President had felt himself obliged to direct a fresh application to the British Government for the speedy adjustment of the claim in question.

The undersigned having, from time to time, acquainted his Government with the import of the conversations he had with Lord Palmerston on this subject, the President, aware of the difficulties and delays which, owing to the delicate nature of some of the considerations it involved, might attend the investigation of the case, had refrained from urging its immediate adjustment, confiding in the justice of his Majesty's Government for ultimate redress to the parties interested. These persons, however, whose losses, already so heavy in the origin, are daily increased by every fresh delay, which deprives them of the use of their property, have become so urgent in their representations that the President, impressed with the indisputable justice of their demands, and of the claim they have to the interposition of their Government, is compelled to renew the application which has now, for more than a year, been under the consideration of that of his Britannic Majesty.

Lord Palmerston is too familiar with the circumstances of the case to make it necessary for the undersigned to recapitulate them in this place; nor will he take up his lordship's time in reverting to the arguments and proofs by which Mr. Van Buren, in his note of the 25th February, 1832, so clearly established the right of the claimants to the restoration of their property, or to full indemnity for the loss they may ultimately sustain in consequence of the seizure of it. But there are other considerations, not before particularly dwelt upon, which the undersigned begs leave now to submit, in compliance with the orders of the President, and which, as involving questions of international policy and good neighborhood, more forcibly address themselves to the attention of his Majesty's Government. Lord Palmerston is aware of the existence of a large slave population in the United States, and will easily conceive that the necessary and frequent removals of portions of it from one section of the country to another, render it of the utmost importance that the safe and easy mode of conveyance afforded for that purpose by the coastwise navigation, should not be exposed to such interruptions as that which forms the subject of this communication.

It never can be the wish or interest of the owners of this species of property to expose themselves to losses, and their Government to unpleasant discussions, by trusting it beyond the jurisdiction or protection of the United States; but a great number of the description of persons referred to, who emigrate to the Southern sections of the Union, have necessarily to pass through the Bahama channel; and so long as, chiefly from the present want of the indispensable aids to navigation, this dangerous thoroughfare remains unsafe, as it now is, it may become the unpleasant duty of the American Government to address to that of Great Britain other representations like that now under consideration. Were it for this cause alone, the undersigned feels confident that Lord Palmerston will agree with him that its recurrence had better, in future, be avoided, if possible. There are, besides, other causes, more peculiarly,

but more vitally also, affecting the United States, from which the subject of this reclamation derives an importance reaching far beyond the individual interests concerned in it. Should the question which grows out of this claim, contrary to the confident expectation of the President, be decided against the claimants, it would go to establish a doctrine authorizing the liberation of the American slave whom unavoidable accident may have thrown out of the jurisdiction of the United States, too dangerous to a large section of the country to be tolerated by its Government. The extreme, but just, sensibility of that portion of the Union which would be affected by the admission of such a principle, imparts to this consideration an importance so deeply felt by the President, that he has caused the undersigned to be especially instructed to state to Lord Palmerston that he places the fullest reliance, not only upon the sense of enlightened justice of the British Government, but also upon its desire to remove every cause of unfriendly feelings between the citizens and subjects of the two countries, for such a disposition of the subject of this communication as will preclude all possibility of future difference from such a source.

In thus again calling up a subject which had so recently procured him the honor of a communication with Lord Palmerston, the undersigned has, by order of his Government, endeavored to place before his lordship considerations which, he feels confident, will be allowed to occupy their appropriate place among the motives which will determine the decision of his Majesty's ministers.

That that decision will be favorable to the claimants, he cannot permit himself to doubt; nor is he more disposed to believe that, fully appreciating the benefits which an early adjustment would confer upon the parties, the British Government will suffer any unnecessary delay to aggravate the injury already inflicted upon them by the proceedings of the colonial agents of Great Britain.

The undersigned avails himself of this opportunity to offer to Lord Palmerston the renewed assurance of his highest consideration.

A. VAIL.

304 REGENT STREET,  
April 4, 1833.

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*Extract of a letter from Mr. Vail to Mr. Livingston, dated*

APRIL 29, 1833.

I likewise communicate to you the copy of a note which I received on the 24th instant from Lord Palmerston, acknowledging the receipt of that which, agreeably to the instructions contained in your despatch No. 10, I addressed to him on the 4th, respecting the claim arising out of the detention of the slaves shipwrecked in the brig "Comet" on the island of Abaco. I cannot but indulge the hope that the agency which Lord Palmerston promises to employ in accelerating the action of the law department will bring that subject of difference to a speedy termination.

*Lord Palmerston to Mr. Vail.*

The undersigned, his Majesty's principal Secretary of State for Foreign Affairs, has had the honor to receive the note which was addressed to him on the 4th instant by Mr. Vail, chargé d'affaires of the United States of America, upon the subject of certain American negroes, detained at Nassau, in New Providence; and, in reply, he begs to state that this further representation on the part of Mr. Vail, has been transmitted to the King's law officers, with reference to the papers previously transmitted to them upon the same subject; and they have been pressed by the undersigned to give in their immediate report upon the case, in order that the undersigned may be enabled to return an answer upon the whole question to Mr. Vail without further delay.

The undersigned begs to renew to Mr. Vail the assurances of his distinguished consideration.

PALMERSTON.

FOREIGN OFFICE, *April 24, 1833.*

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*Extract of a despatch from Mr. Vail to Mr. McLane, dated*

SEPTEMBER 28, 1833.

I have again called the attention of Lord Palmerston to the former representations of this legation against the detention, by the British colonial authorities, of the slaves shipwrecked in the Bahamas on board of the brig "Comet." This perplexing subject has again and again been made one of verbal as well as written communications on my part, which do not seem to have hitherto had any effect in hastening the labors of the crown lawyers, whose tardy action upon it is to be made a preliminary to a final decision on its merits. Lord Palmerston, still pleading the delicate nature of the question, and the intricacy of the case, has again promised me that he would exert himself to bring it to a close.

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*Extracts of a letter from Mr. Vail to Mr. McLane, dated*

JANUARY 14, 1834.

I had, on the 10th instant, with Lord Palmerston, an interview, which I had sought for the purpose of calling his attention to several applications and representations of mine, some of which, after a long lapse of time, still remained unanswered, &c. \* \* \* \*

I then placed in the hands of Lord Palmerston the memorandum, of which the enclosed is a copy, of the notes and representations to which I desired that answers might be given; remarking upon the merits of each case, particularly the claim of the owners of slaves shipwrecked in the brig "Comet," which has now been near two years under consideration, notwithstanding my repeated calls, both written and verbal, for a de-

cision ; and the claim of, &c. In both cases, he said he was still awaiting the reports of the law officers, to whom they had been referred, and promised again that he would use his endeavors to quicken their action upon them.

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*Memorandum left with Lord Palmerston, January 10, 1834.—Extract.*

Note from Mr. Van Buren, 25th Feb. 1832.	} Respecting the claim of
Note from Mr. Vail, 25th March, 1833.	
Note from Mr. Vail, 4th April, 1833.	

sundry citizens of the United States, for the restoration, or the payment of the value, of a number of slaves shipwrecked, in 1830, on the island of Abaco, in the brig "Comet," and seized by the colonial authorities of the Bahamas. The answer given by his Majesty's Government, in a note from Lord Palmerston dated the 30th March, 1833, was, that the case was under consideration by the law officers of the Crown, with instructions to report upon it.

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*Extract of a despatch from Mr. Vail to the Secretary of State of the United States, dated*

August 6, 1834.

Having often, though ineffectually, urged the adjustment of the claims of \* \* \* \* \* and of the owners of the slaves shipwrecked on the island of Abaco, in the brig "Comet," I thought it time again to lay before Lord Palmerston official reminders of his promises to hasten the settlement of those claims, in a form better calculated than informal conversations to command his attention and that of the functionaries to whom the business has been referred. I enclose copies of two notes which, with that view, I addressed to him on the 1st instant. In all our conversations on these subjects, his lordship always manifested the best disposition to see them satisfactorily arranged ; and of the justice of one of the claims he has repeatedly expressed a favorable opinion. The investigation of them, however, has necessarily been made the concern of other branches of the Government.

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*Mr. Vail to Lord Palmerston.*

The undersigned, chargé d'affaires of the United States of America, regrets that, in compliance with pressing instructions from time to time received from his Government, he is compelled again to call the attention of the right honorable Lord Viscount Palmerston, his Majesty's principal Secretary of State for Foreign Affairs, to the subject of the various communications addressed to his lordship by his predecessor and himself,

in behalf of citizens of the United States, owners of a number of slaves shipwrecked, in the year 1830, on one of the Bahama islands, while proceeding in the brig "Comet" from Alexandria to New Orleans, and forcibly seized and detained by the colonial authorities of those islands for an alleged infringement of certain British statutes to prevent the introduction of slaves in his Majesty's colonies.

Mr. Van Buren, in his note of the 25th February, 1832, and the undersigned, in those which he had the honor of addressing to Lord Palmerston on the 25th March and 4th April of last year, laid before his Majesty's Government, with a full statement of the case, all the allegations and proofs urged by the parties to establish the legality of their claims; and, in the note last referred to, the undersigned, by especial order of his Government, endeavored to place before Lord Palmerston considerations of a peculiar character growing out of the circumstances of the case, but involving principles of international law, imparting to the subject an importance which, in the opinion of the American Government, should recommend it to the early and serious consideration of that of his Britannic Majesty. The undersigned was gratified to perceive, by the answers returned on the 30th March and 24th April, 1833, to the communications above referred to, that steps had been made towards an adjustment of the claim; and he has since derived greater satisfaction still, from the verbal assurances at various times received from Lord Palmerston of his lordship's favorable impression of the justice of the claim, and from his promises that his agency would be employed in bringing it to a speedy settlement.

Persuaded that it is not the wish of his Majesty's Government that unadjusted claims of this description should be suffered long to stand in the way of the perfect understanding now happily subsisting between the two nations, the undersigned, confiding in the disposition manifested by Lord Palmerston to see ultimate justice done to the parties, has no desire unnecessarily to occupy his lordship's time in reverting to a subject which has already so long and so often been under consideration. He is, however, reminded, by the long period of time during which the claimants have been deprived of the use of their property, by their just representations to the undersigned himself and to his Government, and by the reiterated recommendations conveyed to him by order of the President not to allow the subject to be overlooked, of the extent of the injury sustained by the claimants in consequence of the arbitrary act of the British colonial authorities, and of the aggravation that injury daily receives from every fresh delay attending the reparation of it. Under a sense of what is justly due to the claimants, and to the instructions of his Government, the undersigned is, therefore, impelled by considerations of duty which Lord Palmerston will be able to appreciate, again to urge upon his lordship's attention their disappointment at a delay of justice already protracted so far beyond the time necessary to a correct understanding of the case, and their just expectation that his Majesty's Government will use additional exertions to bring it to a prompt and satisfactory adjustment.

The undersigned takes this opportunity to renew to Lord Palmerston assurances of his most distinguished consideration.

A. VAIL.

13 OLD CAVENDISH STREET, 1st August, 1834.

*Extract of a despatch from Mr. Vail to the Secretary of State United States, dated*

AUGUST 14, 1834.

SIR: It may not be inexpedient that, on assuming the conduct of our diplomatic relations, you should be made acquainted with the state of the unfinished business of this legation. With that view, I beg leave to lay before you the following synopsis of the points upon which its agency has been employed, and which, at this day, remain unadjusted.

1. Claim of the owners of slaves shipwrecked in the brig "Comet." This claim, which had for a long time been under investigation by the law officers of the Crown, has, I understand, lately been transferred to the Treasury, where it remains under consideration. My despatch No. 137 conveyed a copy of my note of the 1st instant, urging its adjustment.

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*Extract of a despatch from Mr. Vail to the Secretary of State United States, dated*

SEPTEMBER 13, 1834.

I will, in compliance with your instructions, and without longer delay than shall be necessary to enable me to copy the documents, endeavor to place before the British Government, in the light which shall appear to me best calculated to attract its attention and impress it with a proper sense of the importance of the subject, the necessary representations against the proceedings of the British commander in relation to the two seamen taken from the ship "Rosanna;" and against the liberation, by the colonial authorities of the Bahamas, of the slaves shipwrecked on one of those islands in the brig "Encomium." You will have seen by the copy which accompanied my No. 137, of a note addressed by me to Lord Palmerston on the 1st August, that I had again added to my frequent verbal notices of the subject, a formal representation against the unreasonable delay in answering our application for redress in the analogous case of the brig "Comet." The repetition of proceedings which, so far as an opinion has been expressed, are looked upon by Lord Palmerston as affording just grounds for reclamation on our part—which, probably, would not have taken place had an earlier decision been given in the former case—will, I hope, enable me at the same time to place this new act of injustice in its proper light, and to add force to the representations already made by the legation against the arbitrary conduct of the colonial agents in the other case also.

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*Extract of a despatch from Mr. Vail to the Secretary of State of the United States, dated*

SEPTEMBER 22, 1834.

SIR: I have the honor to enclose a copy of the note which, in obedience to the directions in your despatch No. 54, I addressed, on the

22d instant, to Lord Palmerston, respecting the claim of the owners of slaves shipwrecked in Fish Key, Abaco, in the brig "Encomium," in February last. You will perceive that I have availed myself of the occasion again to remonstrate against the delay attending our former representations in the analogous case of the brig "Comet," which, I hope, will have the effect of bringing the two claims together under the notice of the British Government, and hasten its final action upon them.

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*Mr. Vail to Lord Palmerston.*

The undersigned, chargé d'affaires of the United States of America, having so recently taken occasion, in his note dated the 1st ultimo, to bring to the notice of the right honorable Lord Viscount Palmerston, his Majesty's principal Secretary of State for Foreign Affairs, the yet unanswered representations of his predecessors and himself in behalf of the owners of the slaves shipwrecked in 1830, on the island of Abaco, in the brig "Comet," and forcibly detained by the authorities of the Bahamas, it is with reluctance that he now enters upon the performance of a duty assigned to him by instructions received a few days ago from his Government, to make this long-pending claim the subject of a fresh appeal to that of his Britannic Majesty. He is instructed to say that the President, impressed from the first with a deep sense of the justice of the demand put forth by the claimants, has seen, with much regret, and with some surprise, the long delay which has already attended the application made, and so often repeated, under his direction; and to state further that that regret is now greatly increased by the occurrence of another shipwreck, attended with analogous circumstances, which, having been followed by a similar interference on the part of the colonial authorities, has given rise to a claim of precisely the same character.

It will perhaps be in the recollection of Lord Palmerston that, in a note which the undersigned addressed to him on the 4th April, 1833, respecting the case of the "Comet," among the considerations which made it desirable that an early decision should be given in that case, the undersigned adverted to the probability that, so long as the authorities of the Bahamas should be allowed to believe that his Majesty's Government were disposed to acquiesce in the reasoning upon which they endeavored to justify their conduct towards the passengers of the "Comet," other cases might arise which would make it the unpleasant duty of the American Government to address itself to that of Great Britain for the redress of similar grievances.

The apprehensions at that time entertained have unfortunately been realized by an occurrence, the particulars of which the undersigned will now proceed to lay before Lord Palmerston, together with the enclosed papers, which will serve to substantiate them.

The most material of these is the protest entered before the American consul at the port of Nassau, in the island of New Providence, by the master and part of the crew and passengers of the shipwrecked vessel, from which it appears that, on the 2d of February last, the American brig "Encomium," Paschal Sheffield, master, sailed from Charleston, in

the State of South Carolina, bound to New Orleans, with a cargo of merchandise, and having on board, among other passengers, forty-five slaves of both sexes and various ages, all natives of the United States, and the property of American citizens, three of whom were likewise passengers on board of the "Encomium." Lord Palmerston is already aware that, although the United States, with a view to the prevention of the African slave trade, prohibit, under the severest penalties, the introduction of slaves from foreign parts into the territories of the Union, they yet permit the free transfer of colored persons born and held in servitude in the country, from one section of it to another; and that, in consequence of this, the case daily occurs of owners of that species of property travelling with their servants through the different States, or, with a view to the formation of agricultural establishments, removing their slaves, by land or by sea, from one State to the other where slavery continues to exist under their respective laws. It was, therefore, under every legal sanction that the slaves in question were placed by their owners on board of the "Encomium," and that the vessel, having received her regular clearance at the port of Charleston, sailed on a voyage recognised as lawful in every respect by the existing navigation laws of the United States. On the night of the 4th of February, while tracking her way along the dangerous shoals which line the coasts of the island of Abaco, she was driven by adverse currents upon a reef, where she struck, and soon became a complete wreck. With much difficulty the passengers and crew succeeded in landing on a small island, called "Fish Key," from whence they were afterwards taken by wrecking-vessels to the port of Nassau, in the island of New Providence. The undersigned begs leave to refer Lord Palmerston to the protest of Captain Sheffield for a detailed account of the proceedings of the colonial authorities of Nassau, in consequence of which, as in the case of the "Comet," the negroes, notwithstanding the united representations of their owners, and of the American consul residing there, were forcibly seized on board of the wreckers, and taken entirely out of the custody of their masters, who, by an official communication, of which Lord Palmerston will find a copy among the enclosed papers, addressed by direction of the Lieutenant Governor to the American consul, were threatened with an ignominious death if they attempted to recover their property and proceed to their original destination.

The perusal of the papers accompanying this communication will enable Lord Palmerston to perceive the analogy existing between this case and that of the "Comet," which has already been so fully laid before his lordship. The leading circumstances being the same in both, must lay the foundation of an equally just claim upon his Majesty's Government, on the part of the persons concerned in the one now under consideration; and appealing, therefore, in their behalf, to the same principles of justice, the undersigned begs leave to refer Lord Palmerston to the reasonings and arguments adduced in support of the other claim, and will merely offer for his lordship's consideration a few additional remarks, which more particularly suggest themselves on the present occasion.

From a letter addressed on the 22d of May, by the Lieutenant Governor to the consul of the United States, it seems that, in ordering the seizure



of the slaves saved from the shipwreck of the "Encomium," his excellency acted, not in obedience to any existing parliamentary enactment declaring the freedom of slaves landing under such circumstances in a British possession, but under an opinion, which he alleges to be to the same effect, by two eminent English jurists. The consul having obtained a copy of the opinion referred to, an extract from it will be found among the papers which the undersigned has the honor to submit for Lord Palmerston's perusal. Though not specifically adduced in support of the seizure in the case of the "Comet," the same opinion having been alluded to by the agent of the claimants, Mr. Van Buren, in his note of the 25th February, 1832, took occasion to demonstrate the inapplicability of that opinion to the case then under consideration, by showing that it had been elicited by circumstances bearing not the slightest analogy to those under which that case had arisen. The conclusive arguments brought forward by Mr. Van Buren might have rendered a bare reference to them sufficient for the purposes of this communication, had not the express avowal of the Lieutenant Governor of the Bahamas that the opinion referred to formed the sole ground of his refusal to restore the slaves rescued from the wreck of the "Encomium" to the possession of their masters, imparted to that opinion, in the present case, an importance which the undersigned deems sufficient to justify him in entering more at large into an examination of the circumstances under which it was given and of the principles which are set forth in it.

It appears that, in the year 1818, a Portuguese ship, engaged in the African slave trade, then permitted by the laws of Portugal, while on her voyage from Mozambique to Brazil, with a cargo of slaves, put in for supplies at the Cape of Good Hope, and was afterwards wrecked on the coast of that colony. Doubts having arisen in consequence of it, under the existing laws of Great Britain prohibiting the traffic in slaves by British subjects, as to the conduct which it would be proper for the colonial authorities to pursue in such a case, the law officers of the Crown were called upon for their opinion on the following points:

1. Whether, under the circumstances stated, the supplies or relief asked for by the Portuguese vessel could have been legally afforded by the colonial authorities.

2. Whether a cargo of Africans, abandoned in consequence of the loss of the vessel on the coast of a British settlement, were to be considered as Africans illegally imported, or considered as free persons.

3. Whether Africans, cast by shipwreck on the coast of a British colony, were to be considered as slaves illegally imported, or as free persons; and whether the authorities of such colony had the power to restore such Africans to their original owners, to be dealt with as slaves, either in the colony or in a foreign country.

The answer of the crown lawyers to the first query was, that the granting of the required supplies would have been a violation of the provision in the act which prohibits British subjects from aiding and assisting in the removal of persons to be dealt with as slaves. But, under another clause, making an exception in cases of distress from weather, the perils of the sea, or other inevitable accidents, they are of opinion that, where assistance or relief is required in consequence of the dis-

tressed state of the crew or of the slaves, it may and ought to be afforded.

Under the second head, their opinion is, that slaves abandoned, as stated, are to be considered and treated as free persons on their landing in the colony.

If cast by shipwreck, as supposed in the third query, the Africans are, according to the view of the legal advisers of the Crown, to be treated as free persons, as in the case immediately preceding.

The first idea that unavoidably suggests itself, on perusal of the document of which the above is believed to convey the substance, is, that it contemplates only the "slave trade"—the *African* slave trade—that is, the practice then sanctioned by the laws of Portugal, and formerly by those of Great Britain also, of carrying away from the coast of Africa persons born to freedom in that country, but sold for the purpose of being reduced to perpetual servitude in others.

The occasion which called for it arose from doubts as to the operation of certain British statutes, passed expressly for the abolition of that practice by British subjects. Those doubts had grown out of the accidental landing of a cargo of natives of Africa upon the coast of a neighboring British settlement. The questions propounded make exclusive use of the term "Africans;" the same language is adopted by the crown lawyers in their solution of those questions; and, throughout, the document, in letter as in spirit, bears incontrovertible proof that those who framed as well as those who called for it, had no case in contemplation but such as, like the one then before them, might grow out of the removal of native Africans from their own country to be sold to slavery in foreign parts. Can it, therefore, be else than a matter of surprise that, with all this evidence before them, the colonial authorities of the Bahamas should have so construed the purpose and language of that document as not only to apply the doctrines it sets up to a case so dissimilar as that of the shipwreck of the "*Encomium*," but to apply them without the redeeming feature in it, which, in the opinion of the undersigned, might, failing all other guides for their conduct, have justified them in restoring the slaves to their masters.

In order more clearly to point out the dissimilarity between the case of the "*Encomium*" and that of the Portuguese vessel which the opinion of the crown lawyers was intended to meet, the undersigned, with Lord Palmerston's permission, will submit a parallel between the condition of the African and that of the American slave. The one, born free, is forcibly carried away and sold to slavery in a foreign land; the other, born to servitude, does but continue in a condition to which his ancestors, for generations before him, had been reduced, under a peculiar social organization. The one, by forcible abduction, becomes the property of a master, who holds him as merchandise, until he can dispose of him with profit; the other, under a title originally derived from British laws, continues in the service of a master bound to protect him; and, though transferable to another, under proper legal restrictions, he does not become an object of traffic or expatriation. The former is exposed to arbitrary treatment from the slave-dealer, who has but a temporary interest in his welfare; while the latter, like the free member of the State, is under the safeguard of laws, framed for the security of his per-

son, and for the restriction of the power of his master over him. And, finally, in circumstances like that which has given rise to this representation, while the African is proceeding in the slave-ship from a land of freedom to what is to prove to him one of perpetual bondage, the American slave, under laws enacted by his country, and recognised by all civilized nations, is following the fortunes of his master, a passenger in the same ship with him, and merely removing for the advantage of both, probably—but certainly not for any purpose likely to aggravate the condition of the slave—from one section of the country to another, where he is secure of the same protection.

But, even admitting, notwithstanding this wide distinction between the two cases, that the legal opinion upon which the Lieutenant Governor of the Bahamas professes to have acted is at all applicable to that of the "Encomium," the undersigned thinks that he can perceive in that document an allegation under which, had the authorities of the Bahamas been actuated by any share of the disposition to do justice which the undersigned believes to be entertained by his Majesty's Government towards that of the United States, might have led to an adjustment of the subject which would have rendered this representation unnecessary. In their answer to the first query, the authors of the opinion have the following paragraph:

"The slave-trade acts, however, have introduced exceptions to this general prohibition in cases of absolute distress, and provide that no penalty or forfeiture shall be incurred by any landing, importing, trans-shipping, or carrying of any slaves, where it shall be proved to the satisfaction or the court that the prohibited act entirely arose from stress of weather, peril of the sea, or other inevitable accident; the burden of which proof shall, in all cases, be on the claimant or defendant." "On this authority we think that when assistance or relief is required at the Cape, in consequence of the distressed state of the crew or of the slaves, it may and ought to be afforded: but the extent of such relief and assistance should be measured and limited by the necessity and urgency of the case."

Upon this clause the undersigned might, perhaps, under his assumption that the document is susceptible of being made applicable to the case, safely rest the title of the claimants to redress. After being deprived by shipwreck of all they had but the persons of their slaves, the claimants, under circumstances of "absolute distress," and counting upon that hospitality which, in all other civilized parts of the globe, awaits persons in their situation, apply at the Bahamas for the means of satisfying the most pressing wants of nature and for a ship to carry them home. The undersigned feels that Lord Palmerston will think, with him, that no circumstances of "stress of weather, peril of the sea, or other inevitable accident" could have given to the applicants a more undoubted claim upon the authorities of the Bahamas for the assistance and relief which, in such cases, the crown lawyers themselves think may and ought to be afforded. The refusal of that assistance is a circumstance which the undersigned is unable to reconcile with his idea of the kind of reception which a stranger in distress has, in the present enlightened and philanthropic spirit of the age, a right to expect at the hands of any Power on whose shores misfortune may have thrown him, or with the character of the relations which it is the wish of the United States to see firmly es-

tablished between the two countries. The seizure of their property, instead of it, is a proceeding which the undersigned thinks equally irreconcilable with the ordinary principles of common justice.

The legal opinion alluded to was given in 1818, before the passing of the statute of 5 Geo. IV, chap. 113, "to amend and consolidate the laws relating to the abolition of the slave trade," some of the provisions of which it may be proper for the undersigned to notice in this place, under a belief that they confirm his view of the total inapplicability of the opinion of the crown lawyers to the case under consideration, and that a reference to them cannot fail to satisfy Lord Palmerston that, repealing as they do all former acts relating to the slave trade, and laying down principles totally at variance with those upon which the colonial authorities of the Bahamas assume to have acted, they leave those officers entirely unsupported by any legal authority in the view they have taken of the case of the "Encomium," and the proceedings founded upon them.

The first section of the act, after declaring its object to be the amendment and consolidation of the various enactments relating to the slave trade, a term which, it is believed, no one will think of applying to any trade but the prohibited traffic in African slaves, proceeds to "repeal all acts and enactments relating to the slave trade and the abolition thereof, and the *exportation* and *importation* of slaves;" and the two following sections make it penal for any person to "deal" or "trade" in slaves, to "carry away or remove" them, to "import," to "ship them for the purpose of being imported," and to do all other acts necessarily connected with the former traffic in African slaves; but in none of those sections are there any expressions to authorize the inference that, in framing the act, the Legislature intended to provide for cases like that which forms the subject of this communication. In order to arrive at the true intent and meaning of a legislative enactment, no better auxiliary can be employed than a reference to the main object proposed to be attained by its framers. What was that object, as it presents itself to view in every clause of the act? The suppression and total abolition of the traffic in African slaves. The 9th section assimilates that traffic to the crime of piracy, and attaches to it the extreme penalty of the law. The 52d and following recite the treaties concluded for the same object between his Britannic Majesty and his allies, and provide the means of carrying them into effect. But in no part of the act is any thing to be found looking to the case of slaves belonging to the citizens of a friendly Power, accidentally cast upon the shores of a British settlement in the prosecution of a lawful voyage; while, on the contrary, the 21st section expressly enacts that nothing in the act contained "shall prevent the trans-shipping, and assisting at sea, any slave or slaves which shall be in any ship or vessel in distress."

With this implied if not express warrant to the authorities of the Bahamas to grant to persons situated as were the passengers of the "Encomium," that assistance which they came to seek at Nassau, because it was nowhere else to be found, it is difficult for the undersigned to conceive by what reasoning those authorities could have arrived at the conclusion that they were bound to interfere in any other way, aware as they must have been that the voyage of that vessel was sanctioned by the laws of the United States; and when they found, in the act above refer-

red to, provisions expressly authorizing, in those parts of the British empire where slavery existed at the time, the purchase and sale of slaves for the purpose of being employed in the same colony; their transfer coastwise from one part to another of the same colony, and even their removal from one island to another in the same colonial government; their employment in navigation and fishery; and, when serving in the capacity of domestics, their personal attendance on their masters, wherever these might choose to carry them.

The undersigned is not without hopes that, in the foregoing remarks, he will be found to have stated to the satisfaction of Lord Palmerston the grounds on which it may safely be assumed that, whether appealing to the opinion of the legal advisers of the Crown, in the case of the Portuguese slaver wrecked at the Cape of Good Hope, or invoking the provisions of British legislative enactments, the colonial authorities of the Bahamas, in refusing to restore the slaves who were passengers in the "Encomium" to their rightful owners, have acted in a manner not authorized by any public act intended for their governance in such cases.

Upon this expectation the undersigned might, perhaps, confidently rely for ultimate justice to the claimants; there are, however, considerations of a more general character, which occupy so prominent a place in the view taken of the subject by his Government and himself, that he is compelled to add a few more observations to this communication, which he regrets has already been so much extended. To some of those considerations he has before alluded, in his note respecting the case of the "Comet." They have their origin in the relations of good neighborhood, which it is so manifestly the interest of the two nations to maintain and improve; but which cannot be successfully cultivated so long as the subordinate agents of his Majesty's Government placed in authority at stations contiguous to the territory of the United States, shall conduct themselves towards American citizens in a manner so little in accordance with the friendly sentiments on which alone those relations can be sustained.

The undersigned is instructed to say that their proceedings in the case of the "Encomium" have produced a deep sensation throughout the United States; but especially in the South, where the existence of a large slave population has rendered the people more sensitively alive to every occurrence that may tend to disturb the relations existing there between master and slave. By the citizens of that portion of the Union, the late transaction at Nassau is looked upon as a direct interference with their rights of property—with rights which had their origin under British rule, and have, since the separation of the two countries, been guaranteed to them by the laws of the United States. Looking again at the circumstances of the case, it cannot be denied that they furnish abundant cause for the dissatisfaction they have produced. The slaves were still in the quiet possession and under the entire control of their masters, whose sole desire was that they should be allowed to proceed with them to their destination, when they were forcibly seized and landed by the same persons who afterwards availed themselves of their own illegal act as a pretext for finally depriving the owners of their property. No application, either on the part of the slaves for their liberation, nor on that of the masters for aid in enforcing their authority as such, appears to

have been addressed to the colonial authorities. Their interference was wholly gratuitous and uncalled for, and can, in no possible view of the case, be considered as characteristic of any desire on the part of those officers to respect the rights of foreigners whom misfortune has placed in their power; particularly when it is considered that this is the second time that the same cause of complaint has, from their illegal acts, arisen in that quarter. Citizens of the United States conveying their property by sea from one part of the Union to another, under authority of the laws of their country, have been taught to believe that, if shipwreck or other calamity should compel them to seek an asylum in the ports of his Majesty's possessions, they might count with certainty upon that hospitality for themselves, and that protection for whatever else may have been spared by the disasters of the sea, which the laws of all civilized communities accord to misfortune in such cases; and the risks of that mode of conveyance have accordingly been calculated with a full reliance upon the permanency of the same just and benevolent policy. But it will readily occur to Lord Palmerston that, if upon erroneous pretences, the depositaries of power are to take upon themselves to declare the forfeiture of property thus unfortunately thrown in their hands, without previous warning of their intentions, immense losses will be sustained before the mode of conveyance referred to can be changed, or the risks attending it so calculated as to afford to the owners of property embarked in it the benefit of the ordinary security afforded by commercial insurance and usage.

The United States cannot but feel with the Government of Great Britain upon all subjects connected with the final annihilation of the inhuman traffic in slaves, and are ever anxious to mitigate, by every means in their power, the evils of slavery, where that feature exists in their social organization; but, in whatever they have done towards the attainment of those objects, they have, with sedulous care, endeavored to respect and even to protect the rights of others against any injury that might accrue from the operation of their laws in relation to the subject; and, in proof of this, a case is now on record in which British slaves, owned in the very port of Nassau, and brought into the United States, on being saved from shipwreck, have, notwithstanding the existing laws prohibiting the landing of that description of persons in the country, been received and handed over to his Majesty's consul at New Orleans, for the purpose of being restored to their British masters.

The undersigned having, in the preceding remarks, fully stated the view which his Government has taken of the particular case under consideration, in its various bearings, has now but to perform the last branch of the duty which has been assigned to him. All other means of redress having failed, the claimants have appealed to the President for his official interposition in their behalf near the Government of his Britannic Majesty; and it is in consequence of the promise given them that that interposition should be promptly and earnestly afforded, that the undersigned has been especially instructed to lose no time in laying the case before Lord Palmerston, and to request that it may, with as little delay as possible, be taken into his lordship's favorable consideration. He is, moreover, commissioned to express the confident hope entertained by the President that, after fully weighing all the circumstances attending it,

his Majesty's Government will perceive that full indemnity to the claimants, both in the case now particularly alluded to, and in that of the persons shipwrecked in the "Comet," which has repeatedly formed the subject of former representations, is due to justice as well as to the character of the relations now existing between the United States and Great Britain, from which it is his desire that all causes that may, by any possibility, tend to impair them, should be speedily and radically removed. The undersigned thinks that he has said enough in this note and in his former communications on the subject of these claims, to impress Lord Palmerston with a sense of the importance that no delay that can possibly be avoided, should be allowed to stand in the way of a speedy adjustment of them. Under that impression, and presuming that such an adjustment will prevent the recurrence of similar causes of complaint, he does not think it necessary to lay any particular stress on the request which he is likewise instructed to lay before his Majesty's Government, that suitable measures may, as soon as practicable, be adopted, to cause the just rights of the citizens of the United States to be respected in future by the authorities of his Majesty's colonies, should they again be placed in their power by misfortune or unavoidable accident.

The undersigned has the honor, on this occasion, to offer to Lord Palmerston the renewed assurance of his most distinguished consideration.

A. VAIL.

13 OLD CAVENDISH ST., September 20, 1834.

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*Extract of a despatch from Mr. Vail to Mr. Forsyth, dated*

JANUARY 14, 1835.

I had, the day before yesterday, with the Duke of Wellington, an interview, which I had sought for the purpose of calling his attention more forcibly than I had before done, to the claim of the owners of slaves shipwrecked in the Bahamas in the years 1830 and 1834. After briefly laying before him the leading circumstances of the case, I endeavored to impress him with a sense of the importance attached by the President to its early adjustment, on the ground of common justice to the claimants themselves, and on account of the unpleasant state of feeling which the circumstance had produced amongst the slave-holding population of the United States. I adverted to the dilatory course hitherto pursued in regard to the claim, especially by the law department, and expressed my apprehension that the feelings which had been awakened by the discussion and passage of the emancipation act had been allowed to exercise upon the minds of those who had been charged to investigate the merits of the claim, an influence which had prejudiced the just rights of the parties interested. The duke said that, in consequence of what I had before stated to him on the subject, he had already given directions that the papers relating to it should be collected and laid before him; that this had not yet been done; but that I might rest assured that he would attend to it without delay; make himself acquainted with the merits of the question, and the stage to which the consideration of it had been carried; that, if

ripe for a decision, he would lose no time in making it known to me; and if not, that he would accelerate it, and see that no delay that could possibly be avoided should be allowed to put off the final adjustment of the matter. The earnest tone in which these promises were given, and the assiduity and punctuality which characterize the duke's official conduct, lead me to hope that the termination of this long-pending negotiation is not far remote.

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*Extract of a despatch from Mr. Vail to Mr. Forsyth, dated*

JANUARY 22, 1835.

I have from the Duke of Wellington additional assurances that our claims in relation to the shipwrecked slaves are under consideration, and have already been the subject of discussion between him and Lord Aberdeen, the colonial secretary.

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*Extract of a letter from Mr. Vail to Mr. Forsyth, dated*

MARCH 14, 1835.

I took a late occasion to remind the Duke of Wellington of his promise of an early decision upon our claim respecting the slaves shipwrecked in the Bahamas. He said that the subject was now at the Treasury, and that he was only waiting for Sir Robert Peel to be somewhat relieved from the great pressure of his parliamentary duties, to summon him and the colonial secretary to a serious and final discussion of the merits of the claim; and that I might depend upon being apprized of their decision upon it at as early a day as the peculiar circumstances the Government are now placed in would permit.

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*Extract of a letter from Mr. Vail to Mr. Forsyth, dated*

MAY 14, 1835.

SIR: In the note of which a copy is enclosed, addressed by me on the 11th instant, to Lord Palmerston, respecting the seizure by the colonial authorities of Bermuda, and the subsequent liberation of the slaves, passengers on board the brig "Enterprise," I have endeavored, without going again into the arguments urged in favor of the analogous cases of the "Comet" and "Encomium," to impress the British minister with a sense of the importance which, independently of its intrinsic merits, the case derives from the danger of allowing the repetition of those occurrences to establish a practice which we never can sanction. My aim has been to impart to my representation as much strength as the case admitted, without making use of language that could produce any thing like irritation.



*Mr. Vail to Lord Palmerston.*

It is with deep regret that the undersigned, chargé d'affaires of the United States of America, acting under special instructions recently received from his Government, again has occasion to call the attention of the right honorable Lord Viscount Palmerston, his Majesty's principal Secretary of State for Foreign Affairs, to another illegal seizure of slaves, passengers in an American vessel driven by stress of weather within British jurisdiction, which makes it the duty of the undersigned to address to his Majesty's Government another such representation as those which have so long been before it, the subject of yet unanswered though repeated and earnest appeals to its justice.

The particulars of the present case are briefly told in the enclosed copy of a letter from the American consular commercial agent in the Bermudas to the Secretary of State, from which it appears that the brig "Enterprise," Elliott Smith, master, having on board, as passengers, seventy-eight slaves, the property of citizens of the United States, was, while on her voyage from Alexandria, in the District of Columbia, to Charleston, in South Carolina, driven from her course by a continuance of tempestuous weather, and compelled, for want of provisions, to put, in distress, into the port of Hamilton, in the Bermuda islands; that, on her arrival there, she was seized by the colonial authorities, on the pretext of her having slaves on board, but subsequently released, and the master told that he might proceed on his voyage after repairing damages and refitting; that, afterwards, however, while about availing himself of this permission, he called at the custom-house for his ship's papers, the delivery of them was refused until the pleasure of the Governor of the colony, with reference to the slaves, could be ascertained; that, while detained by this delay, a writ of habeas corpus, issued by the chief justice, was served upon him, requiring his appearance before the court, and the production of the slaves, still remaining on board his vessel, who, on disembarking, were immediately taken from his custody, and proclaimed free, for having been landed in a colony where slavery had then ceased to exist.

The case, though varying in some of its details from those of the brigs "Comet" and "Encomium," already laid before Lord Palmerston, involves the same considerations, and, consequently, gives rise to a third claim of a precisely similar character. It is that of an American vessel pursuing a voyage recognised as lawful by the legislation of the United States and by all the principles of public law, forced, by the act of God, to seek, in a British port, a refuge from the tempest, relief from starvation for her crew and passengers, and that aid, protection, and hospitality, which the code of humanity as well as the immutable laws of justice and the best-established usages amongst civilized nations, secure to the distressed mariner, and to the property in his charge. It exhibits the same desire, on the part of the master, and the same exertions, by retaining the slaves under his charge and control, to prevent any act that, by any possibility, might be construed into an infraction of the well-known laws and policy in force in the colony, which prohibit the introduction of that description of persons; and the same gratuitous and uncalled for interference on that of the local authorities—first, in infringing those very laws by forcibly seizing and landing the slaves, when

nothing appears to show that their safety rendered that step necessary; and then, by availing themselves of their own wrong, to declare the forfeiture of property thus, by uncontrollable events, placed in their power. The undersigned feels confident that such unwarrantable proceedings can be viewed by his Majesty's Government in no other light than as a flagrant violation of all the principles which regulate the intercourse and promote confidence among friendly nations. He is instructed to say that, by the President of the United States, they are looked upon as an outrage committed by subordinate agents of the British power upon the rights and interests of American citizens, calling for a redress which he cannot but hope a sense of common justice, on the part of his Majesty's Government, will not allow them to deny, nor long to withhold.

The grounds upon which that confident expectation of prompt reparation is founded have already been fully laid before Lord Palmerston—first, in the note more than three years ago addressed to his lordship by Mr. Van Buren, then minister of the United States at his Majesty's court, in the case of the brig "Comet;" and, subsequently, in various communications from the undersigned in the same case, and that of the "Encomium." To the statements and arguments presented on those occasions, but little remains that the undersigned thinks could now be added with any prospect of more clearly setting forth the nature and extent of the wrong inflicted upon the parties aggrieved, or the legality of their claim. They were then urged, less with a view of establishing the justice of a demand which the Government of the United States, confiding in the friendly disposition of that of Great Britain, might safely have left to its own merits, and to the principles of right on which it rested, than of satisfying the technicalities of the law, and of showing that, apart from the indisputable equity of the case, the claimants, and their Government for them, were prepared to appeal, without fear, to the spirit and letter of the written code of Great Britain, the solemn decisions of her courts of justice, and the deliberate opinions elicited from her jurists when analogous points have been brought in question. It would but serve to consume his lordship's time to revert, in this place, to those statements and arguments: urged as they were with all the solemnity which express directions from the Government of the United States could impart to them, and with all the earnestness which a deep conviction of their truth could inspire, they were believed to have a claim to the favorable consideration of his Majesty's Government, which had raised, in the mind of the President, an expectation that the subject would, long ere this, have been adjusted. The undersigned has had too many proofs of the disposition evinced by Lord Palmerston to remove from the intercourse between the United States and Great Britain all causes of difference susceptible of affecting its harmonious character, to admit the supposition that the long lapse of time which has intervened since the date of the first communications of the American legation upon the subject of these claims, is to be viewed as an evidence of want of attention to them on the part of his Majesty's ministers, or of an underestimate of their importance; but he is bound by his instructions to say that, in the opinion of his Government, the delay has been protracted far beyond any period that could have been considered necessary for the most deliberate examination, in all their bearings, of the different ques-

tions in any event likely to arise from those communications ; and to repeat that, aware though the President be of the delicate character of some of those questions, and disposed, in that spirit, to make every allowance that circumstances appeared to suggest, that delay has been to him a cause of much surprise, and of a regret which he has caused the undersigned frankly to make known to and impress upon his Majesty's Government.

The undersigned has, in his former communications, endeavored to convey to Lord Palmerston an understanding of the importance which these claims derive from their liability to be multiplied, so long as the delegates of his Majesty's power in the colonies adjacent to the Southern sections of the United States shall be permitted to consider the inaction of the metropolitan Government upon the cases under consideration as sanctioning their unjustifiable proceedings. His desire that what he cannot but look upon as a delusion involving dangerous consequences, should, as speedily as possible, cease to be entertained by those authorities, again impels him to present for the consideration of his lordship the fact, that the tide of emigration from the central parts of the Union having taken a direction towards the South, the case daily occurs of owners of slaves removing, by sea, with their families and domestics, and taking a course which unavoidably carries them into the waters of the British islands at the entrance of the Mexican Gulf, where, from the dangers attending the navigation of those seas, they are exposed to such disasters as those which have given rise to these representations. So confident was the undersigned that the case of the "Comet" must speedily be followed by others which would but serve to render the subject still more difficult of adjustment, that, more than two years ago, in his note of the 4th April, 1833, he predicted the recurrence of similar events, unless a line of conduct more accordant with the friendly relations existing between the two countries were, without delay, prescribed to the local authorities in his Majesty's colonies. Twice has that prediction already been verified ; and it is a melancholy cause of regret to think that, had the reiterated efforts made by the undersigned in the note above cited, and in his other communications, written and verbal, to Lord Palmerston, been attended with the effect which they were intended to produce, the Government of the United States would have been spared the unpleasant duty of ordering this and another fresh appeal to the justice of Great Britain.

To another part of the note above referred to, the undersigned feels it his duty again to request Lord Palmerston's particular attention. It is that in which, speaking the language dictated to him by his instructions, he adverts to the impossibility that the Government of the United States should ever subscribe to the doctrine which the course pursued by the colonial authorities would tend to establish, that those authorities possess the power to take from the custody of his master, and declare the freedom of every American slave whom chance or circumstances beyond control, as in the cases under consideration, have placed within their reach. Such a doctrine, fraught, as it would be, with other consequences of the most dangerous character, could not fail, if allowed to grow into practice in possessions within sight of the coast of the United States, as are some of the British islands in that quarter, to give rise to

disputes and collisions between the inhabitants of the opposite shores, which the Government of the two countries would find it difficult to reconcile with the amicable relations which it is their desire, not less than their interest, to cultivate and improve.

The undersigned has it in command to apprise Lord Palmerston that the excitement created among the people of the slave-holding members of the Union, in consequence of the second seizure of their property in the case of the "Encomium," has been revived on the occasion which more particularly calls for this communication. His lordship is sufficiently acquainted with the degree of influence which, in the United States, the popular sentiment must ever exercise over the actions of those who are intrusted with the conduct of public affairs, to understand that, in a case like the present, where that excitement is the result of legitimate causes, the President has additional motives to feel it his bounden duty to ask, in behalf of his appeal for the redress of a manifest and indisputable wrong, the immediate action of his Majesty's Government. Lord Palmerston has, in the former communications of this legation, been made acquainted with the nature of the reparation expected by the parties aggrieved, and called for by the circumstances of the case. It but remains for the undersigned to say that the American Government, disappointed by the delay which has hitherto occurred in advancing towards an adjustment of this unpleasant and exciting subject of difference, will henceforth expect to find an evidence of the extent and sincerity of the desire entertained by that of Great Britain to suppress all motives of irritation between the two countries, in the promptitude with which his Majesty's ministers, taking this new appeal into their favorable consideration, will exert themselves to conduct the subject of it to that final and satisfactory termination which, alone, the President can allow himself to look for from the enlightened justice of the British Government.

The undersigned avails himself of this opportunity to tender to Lord Palmerston the renewed assurance of his highest consideration.

A. VAIL.

13 OLD CAVENDISH ST., May 11, 1835.

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*Extract of a letter from Mr. Vail to Mr. Forsyth, dated*

NOVEMBER 6, 1835.

SIR: While the members of this Government were so exclusively engaged as they have been for some time past by engrossing topics growing out of the domestic concerns of the country, I deemed it useless to make any particular exertion to urge an answer to our claims arising from the seizure and liberation of slaves shipwrecked in the British possessions near our shores; never forgetting, however, that I was required by my instructions not to allow the subject to be lost sight of. Believing that I might now venture upon a reminder of our applications, I obtained, a few days ago, from Lord Palmerston, an interview, at which I began by remarking upon the length of time which had elapsed since the date of the first of those applications, the frequent renewals of them, the nearly as

frequent promises of an answer, not yet fulfilled, and the importance attached by my Government, independently of the individual interests involved, to the settlement of the questions which had grown out of the circumstances attending those claims. I stated that my standing instructions made it for me an imperative duty again to bring the subject forward and recommend it to the early and earnest consideration of his Majesty's Government; and I inquired whether any progress had been made towards a settlement. Lord Palmerston said that, though otherwise much engaged, his attention had often been directed towards those claims, which, both from their merits and the circumstances under which they were presented, had been to him a subject of solicitude; that, as I was aware, they had long been under investigation by the law officers of the Crown, who had found the subject so full of difficulties and involving points of such moment, that they had almost shrunk from the task of arriving at definitive and binding conclusions upon them. To the allegation, repeated by his lordship, that the positive statute law of the realm forbade the removal of persons from any British possession to be dealt with as slaves, I again reminded him that, in all the three cases, the actual landing of the slaves within the British jurisdiction had been the act of British authorities, ineffectually opposed and protested against by the owners of the property; and that no law ought to be allowed to take advantage of the laches of those appointed to execute it. He said that the reports so far made by the ordinary law officers of the Crown were but partial, and insufficient to enable the cabinet to clear the subject of its legal difficulties; that no settlement of the claims could be effected without ministers going to Parliament for the necessary appropriation; that the subject was one of such a delicate nature, particularly at this time, that they could scarcely expect an application to that effect to be successful unless sustained by the most unequivocal expression, from the highest law authority in the kingdom, of the legal and positive obligation of Government to answer the demand of the United States; that, as soon as the adjournment of Parliament had given leisure to ministers to look at the question, their deliberations had convinced them of the necessity of a clear, legal demonstration of that obligation; and that, not finding it in the documents before them, nor seeing any prospect of its being obtained from the ordinary law authorities, they had resolved to seek it elsewhere, and that the result of his last conference with Lord Melbourne and the Chancellor of the Exchequer, had been a resolution to refer the whole matter to the judicial committee of the Privy Council, in whom resides the highest legal power in the state; that, accordingly, our different applications, together with all the documents connected with the claims, had been laid before the committee, who either were at this time, or soon would be, engaged in the examination of them; and their opinion once obtained, would, if favorable to the claimants, enable them to back their application to Parliament by authority of the highest character, and if unfavorable, to predicate their answer to our demands upon grounds which would satisfy the President that the obstacles in the way of an adjustment did not arise from any motive inconsistent either with justice or with their friendly dispositions towards the United States. To my inquiry whether the proposed investigation by the judicial committee of the Privy Council would be attended with much delay, Lord Palmerston

expressed his conviction that their attention would be immediately engaged in it, and that a prompt result might be confidently anticipated. I then requested that, if he saw no objection, he would, in a note, either official or not, as he might think fit, communicate to me the substance of what he had stated, as to the stage to which the business had been carried, and he promised that he would do it, so as to enable me to put you in possession of it by this opportunity. The promised communication has not yet been received at the legation.

*Extract of a letter from Mr. Vail to Mr. Forsyth, dated*

NOVEMBER 14, 1835.

SIR: I have the honor to communicate to you a copy of the note from Lord Palmerston, which had been promised me in time to be sent by the last packet, but which was only received last night, apprizing me, officially, of the reference to the judicial committee of the Privy Council of the subject of our claims arising from the liberation of the slaves shipwrecked in the British islands in the brigs "Comet," "Enterprise," and "Encomium."

*Lord Palmerston to Mr. Vail.*

The undersigned, his Majesty's principal Secretary of State for Foreign Affairs, has the honor to acquaint Mr. Vail, chargé d'affaires of the United States of America, that, after an attentive consideration of the important questions involved in the claims brought forward by Mr. Vail and his predecessors, for compensation for the loss of slaves from on board of the United States vessels "Comet," "Encomium," and "Enterprise," his Majesty's Government have determined to refer the whole subject to the judicial committee of Privy Council, as being the highest legal authority which can be consulted on this difficult matter; and steps are now taking for this purpose by his Majesty's Treasury.

The undersigned avails himself of this opportunity to renew to Mr. Vail the assurance of his distinguished consideration.

PALMERSTON.

FOREIGN OFFICE, November 13, 1835.

*Extract of a letter from Mr. Stevenson to Mr. Forsyth, dated*

JULY 14, 1836.

Having been accredited, I shall now earnestly enter upon the subjects of the negotiation committed to my charge by your instructions, and press at an early day the claims for indemnity on the part of those American citizens whose slaves were illegally seized and confiscated in some of the

British islands. Mr. Vail's last communication to Lord Palmerston upon the subject remains yet unanswered.

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*Extracts of a letter from Mr. Stevenson to Mr. Forsyth, dated*

JULY 29, 1836.

I received by the last packet but one, your despatch of the 14th of June, \* \* \* It found me busily engaged in preparing my first communication to Lord Palmerston, upon the claims of our citizens for the seizure and confiscation of their slaves by the British colonial authorities. I was consequently prevented from answering it, as I had intended doing, last week. I completed yesterday my argument upon these claims, and placed it in the hands of Lord Palmerston, with an earnest appeal for a speedy and final answer. \* \* \* I expressed, as I was instructed to do, in strong though respectful terms, the painful surprise and regret of the President at the delay which had taken place in the adjustment of these claims, accompanied by an assurance from myself, that he had not relinquished the expectation of its still being done. \* \* \* I have received since my arrival here, letters from some of the claimants, complaining deeply of the delay, and urging my attention to their claims. I shall continue to press them at every favorable opportunity, until they are settled. The length of my communication to Lord Palmerston will not enable me to send you a copy of it by the packet to-day, but it shall be forwarded next week, and I shall feel gratified if the manner in which I have fulfilled your instructions shall meet with the approbation of the President and yourself.

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*Extract of a letter from Mr. Stevenson to Mr. Forsyth, dated*

AUGUST 6, 1836.

I now transmit to you a copy of my communication to Lord Palmerston upon the subject of the shipwrecked slaves, to which I hope soon to receive a favorable answer.

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*Mr. Stevenson to Lord Palmerston.*

The undersigned, envoy extraordinary and minister plenipotentiary of the United States, has the honor to acquaint Lord Palmerston, his Majesty's principal Secretary of State for Foreign Affairs, that the instructions which he has received from his Government make it an indispensable act of duty to seize the earliest occasion of calling the attention of his lordship and that of his Majesty's Government, to sundry claims of American citizens for indemnity for a large number of slaves wrecked near the British islands, in the neighborhood of the American

continent, and which were seized and liberated by the colonial authorities of his Majesty's Government. The undersigned need scarcely remind Lord Palmerston that it is now more than four years since the first of these cases (the "Comet") was presented to the consideration of his Majesty's Government by Mr. Van Buren, the then minister of the United States at this court; since which, two other cases (the "Encomium" and the "Enterprise") have been added by Mr. Vail, the American chargé d'affaires, followed up by repeated and earnest appeals in favor of indemnity for the losses incurred by the seizure and confiscation of these cargoes of slaves, the property of citizens of the United States. Notwithstanding these appeals to the equity and justice of his Majesty's Government, and the confident expectation of the President, as often expressed, that the whole proceedings of the colonial authorities would be disavowed, and a speedy adjustment of the claims have taken place, no other answer has yet been given by his Majesty's Government, as the undersigned has been informed, than that the subject had been referred to the judicial committee of Privy Council, the highest legal authority of the Government. This delay, as Lord Palmerston has heretofore been advised, and, as might justly have been expected, has caused extreme solicitude and regret on the part of the Government and people of the United States, arising, not less from the importance of the principles involved, and the value of the rights believed to have been violated, than from an awakened and wide-spread sensibility in those portions of the confederacy where the existence of a large slave population has rendered the people more keenly alive to every thing which is calculated to disturb the relations existing between the master and slave. It is under such circumstances that the undersigned has been specially instructed by his Government to press, again, this subject upon the early and earnest attention of his Majesty's Government, and, in doing so, he would not fulfil the duty enjoined upon him, or act with the frankness due to the subject, if he did not seize the occasion as a fit one to acquaint Lord Palmerston that it has not been without increased and painful regret that the President has learned that the representations which have heretofore been made in favor of these claims, have not only failed in producing the indemnity to which they were believed to be entitled, but a knowledge of the grounds upon which it has been deemed proper by his Majesty's Government to withhold it. Whilst, however, these just expectations of the President have not been fulfilled, the undersigned is gratified in having it in his power to assure Lord Palmerston they have not been relinquished, and that the President is still persuaded that their accomplishment will result from a careful review, by his Majesty's Government, made in the spirit of moderation and equity, of the facts and considerations which belong to the subject. Reluctantly indeed would the Government of the United States be persuaded that the delay which has already taken place in the final adjustment of these claims, was imputable to any intention on the part of his Majesty's Government to procrastinate their decision, or treat with disrespect or injustice the Government or people of the United States.

The characters of both Governments forbid any such construction. All must believe that both Governments are animated with the same zeal



to do each other equal justice, and to cherish the friendly relations which now so happily subsist between them, and that each is alike incapable of offering or suffering any injury of this description. In making this renewed appeal to the well-known justice of his Majesty's Government, by order of his own, the undersigned is satisfied that it will receive a deliberate and candid examination, and if it shall appear, as he is confident it will, to be recommended by those principles which it is the interest as well as the duty of all Governments to observe and maintain, the claims under consideration will not only be admitted, but finally adjusted by his Majesty's Government.

The previous communications heretofore made by Mr. Van Buren and Mr. Vail having placed his Majesty's Government in possession of full and authentic information, not only as to the number and value of the slaves seized and liberated, and the circumstances under which it was done, but of the grounds upon which the claims for indemnity rest, it will not be needful, nor is it the intention of the undersigned, in the remarks which he will have the honor of submitting to Lord Palmerston's consideration, to recapitulate in detail the statements or repeat the arguments contained in the communications of his predecessors, and with which his lordship must doubtless be familiar. The undersigned will therefore content himself with referring Lord Palmerston to these communications for proofs which it is unnecessary to repeat, and for arguments which he could scarce hope to improve. As there are, however, some principles and doctrines involved in these proceedings of the colonial authorities so new and alarming, not only to national sovereignty and sensibility, but to the rights of property and the friendly relations of the two countries, the undersigned feels that he owes it to his own Government, as well as that of his Majesty, to present upon this occasion to the consideration of Lord Palmerston, the views which have suggested themselves to his mind, with the grounds upon which they rest. He will do this with all possible brevity, but at the same time with the utmost simplicity and frankness, assured, as he is, from the disposition manifested by Lord Palmerston throughout the negotiation, that the undersigned could in no other way so well consult the wishes of his lordship or the respect which he owes to his Majesty's Government.

That the remarks which he intends to submit may be clearly understood and applied to the facts in proof, he will very briefly restate the three cases as they have heretofore been presented to Lord Palmerston's consideration.

And first, as to the Comet. This vessel sailed in January, 1831, from the port of Alexandria, in the District of Columbia, bound to New Orleans, in the State of Louisiana, (both ports being within the limits and jurisdiction of the United States,) with a cargo of one hundred and sixty-four native-born slaves, the property of citizens of the United States. She struck in the night upon rocks in the Spanish Key, bilged, and became a wreck before day. The slaves were all saved, and placed on a reef of rocks in sight, from which they were soon afterwards taken by three Bahama wrecking-vessels belonging to British subjects, and carried into the harbor of Nassau. Arrived off the port, a boat was dispatched to advise the American commercial agent residing in Nassau of their distressed situation, and requesting to be informed if there was any

objection to entering the port, and remaining until another vessel could be procured, in which the slaves might be trans-shipped to their original port of destination. On receipt of the agent's answer, the vessel passed the bar, and came to anchor within the harbor, when the agent placed guards on board, and eleven of the slaves escaped, and were by the authorities of Nassau put in confinement. The remaining number were afterwards seized, libelled in the instance court for a violation of the British statutes in relation to the importation of slaves, but the libel, on a hearing, was dismissed, and the slaves ordered by the court to be restored. The colonial authorities, however, interposed, refused to let the slaves be surrendered, and having declared them free, they were abandoned by the captain.

The second case, the *Encomium*, took place in 1832. This brig, with forty-five slaves on board, sailed on the 2d of February, 1832, from Charleston, in the State of South Carolina, to New Orleans. On the night of the 4th (two days only after sailing) she was wrecked on a reef near the island of Abaco. The slaves were landed on a small island called Fish Key, and taken by his Majesty's wreckers to the port of Nassau, in New Providence, where, as in the case of the *Comet*, the slaves were declared free by the colonial authorities, and accordingly liberated.

The third case was that of the *Enterprise*, which sailed from Alexandria, in the District of Columbia, to Charleston, in South Carolina, with seventy-eight slaves, the property also of citizens of the United States. This brig was driven from her course by tempestuous weather, and compelled, for want of necessary provisions, to put into the port of Hamilton, in one of the Bahama islands. On her arrival, she was seized under the pretext of having slaves on board, but was afterwards released, and the captain informed that he might proceed on his voyage. Soon afterwards, however, and whilst engaged in availing himself of the permission, a writ of *habeas corpus* was issued and served upon him, requiring the production of the slaves then on board the vessel. The writ was obeyed, and, on disembarking the slaves, they were immediately taken from his custody and declared free, in consequence of their having been landed in a colony where slavery had ceased to exist.

These cases, it will at once be perceived, are substantially alike in their nature and character, and involve the same principles and consequences. The important inquiry, then, which first presents itself, is this: Upon what grounds are the proceedings of the colonial authorities to be justified; and had Great Britain any right to enforce, against these vessels, and the property of citizens of the United States, the municipal laws of her dominions? And here the undersigned will take occasion to remark that, whatever doubts might have existed in the case of the *Comet*, as to the true grounds upon which the authorities of Nassau interposed and liberated the slaves, they have since been removed by the proceedings in the subsequent cases of the *Encomium* and the *Enterprise*.

By the official declaration of the Lieutenant Governor of New Providence in those cases, it was expressly declared that, in liberating the slaves, the colonial authorities acted under no British statute declaring the freedom of any slaves that might be landed within the British dominions, but that it was alone upon the authority of an opinion (which

they were bound to respect) given by Sir Christopher Robinson, judge of the vice admiralty court, and the late Lord Gifford, at the instance of the Secretary of State, for the regulation of the governors of his Majesty's colonies, upon the subject of fugitive and shipwrecked slaves brought within their jurisdictions. The following is an extract from that part of the opinion in relation to this subject: "*That all Africans cast on the shores of a British colony in consequence of the wreck of the vessel in which they were conveyed as slaves, are not to be considered as slaves illegally imported, but as free persons; and in such cases we think the Governor of the colony has no power to deliver up these Africans, without their consent, to the person claiming ownership over them, either for the purpose of being dealt with as slaves in the colony, or being conveyed to a foreign country for the purpose of being so dealt with. In such case, as in abandoned slaves, they are to be dealt with by the Governor as persons in such a situation (not being Africans) would be, and no claim for indemnity could be supported by the supposed owner on account of such interference by the Governor.*" This opinion was given in 1818 in relation to a Portuguese ship, engaged in the African slave trade, which was wrecked with a cargo of Africans on the coast of a British settlement near the Cape of Good Hope; and doubts having arisen what course the Governor of the colony ought to pursue in relation to the subject, the law officers of the Crown were consulted, and gave this opinion. Of the doctrines contained in this opinion, and of their total misconception and misapplication by the authorities of New Providence, the undersigned will forbear at this time to enlarge; but he begs leave to refer Lord Palmerston to the communications of his predecessors under date of the 25th of April, 1832, and the 20th September, 1834, in which this branch of the subject is examined and discussed, and in which it is clearly shown that this opinion was alone intended to reach the case of *Africans and the African slave trade*, and not the *slaves of the United States*, and that it was therefore wholly inapplicable to the cases now the subject of consideration by his Majesty's Government. The claim of power, then, on which his Majesty's Government is left to vindicate the proceedings of their colonial authorities, must rest exclusively upon the provisions of their West India emancipation act, passed in 1834. This act abolishes slavery throughout the possessions of the British Crown, and declares that, in no part of the empire, whether metropolitan or colonial, shall the rights incident to slavery any longer be enforced; that the fugitive slave, whatever may be his obligations, or whatever the rights of others over him in a foreign country, shall, within the British dominions, be henceforth regarded and dealt with as a free man. With the operations of this act within the dominions of Great Britain, and over its subjects, foreign nations can have no interest—the legislative and judicial authority of his Majesty's Government over its own subjects and colonies being indisputable; but no independent nation will ever consent to concede to Great Britain, under this act, or any other, the right to legislate for it, as well as her own dependencies. It is against all such doctrine and its consequences, as applicable to the United States and its citizens, that the undersigned now feels himself, as the representative of his country, called upon in the most solemn manner to protest. And before any color can be given to such a claim of power and jurisdiction, under the

West India act of emancipation, it will be incumbent on those who assert it, not only to establish that slaves are not property within the United States, but that slavery and the slave trade are prohibited and condemned by the law of nations: for if it be true that, by the constitution and laws of the United States, slaves are not property, and the slave trade is prohibited by the law of nations, then, indeed, there would be some foundation for the argument that, in relation to these seizures and confiscations, there had been no violation of national rights and no claim to the indemnity asked.

These two points the undersigned will now proceed to examine. Upon the first, as to the nature and character of the slave property in the United States, the argument lies within a narrow compass, and it will not be needful for the undersigned to enlarge. He feels assured that it will only be necessary to refer Lord Palmerston to the provisions of the constitution of the United States, and the laws of many of the States, to satisfy him of the existence of slavery, and that slaves are there regarded and protected as property; that, by these laws, there is, in fact, no distinction in principle between property in persons and property in things, and that the Government have more than once, in the most solemn manner, determined that slaves killed in the service of the United States, even in a state of war, were to be regarded as property and not persons, and the Government held responsible for their value; that the first article of the constitution of the United States, apportioning representatives among the several States, expressly recognises slavery, and incorporates it in the principles of their Government. Domestic slavery, then, is not only not prohibited by the Government of the United States, but forms a basis (as property) of their representation; is infused into their laws and mixes itself with all the sources of their authority. Nor is this doctrine of property in slaves new to Great Britain. At one time the annals of her history inform us that, by the solemn judgment of her twelve judges and the high law officers of the Crown, negroes were not only regarded as property, but declared to be merchandise within the operation of her navigation laws, at least with respect to her colonies; and recently, (indeed at the period of the seizure of the *Comet*,) her West India colonies were filled with slaves. So, too, in her treaties with the United States, Great Britain has repeatedly recognised the principle of property in slaves, and as such made compensation for them. As far back as the treaty of 1783, there was a provision "*that all prisoners on both sides shall be set at liberty, and his Britannic Majesty shall, with all convenient speed, and without causing any destruction, or carrying away any NEGROES or OTHER PROPERTY of the American inhabitants, withdraw all his forces,*" &c. Again: in the treaty of Ghent, as late as 1814, it was provided in one of the articles "*that all places belonging to either of the parties shall be surrendered without causing any destruction or carrying away, &c. ANY SLAVES or OTHER PRIVATE PROPERTY.*" Under this treaty the abducted slaves were ascertained and paid for by his Majesty's Government. It is worthy of remark that, in both these treaties, negroes and slaves are, *in terminis*, declared and admitted by both the contracting parties to be property. Regarding them as property in her solemn treaties, and paying for them as such, can it now be maintained, at least as far as Great Britain and America are concerned, that

the slaves of the latter are not to be considered as property, and this too after repeated adjudications of the highest tribunals both in England and America, as well as by the law of nations, that slaves shall be regarded as property in every nation whose municipal regulations sanction slavery? How can the United States, as a sovereign and independent nation, surrender the vital right to regulate the subjects of property according to their own opinions of right, or as convenience or policy may dictate; and what nation has a right to ask from her such a sacrifice? Such a right she cannot and will not consent to surrender. The first point, then, in support of the claim of jurisdiction fails. Nor is the question under the law of nations, in the opinion of the undersigned, less clear and conclusive.

When or where has the doctrine ever been established, that slavery or the slave trade was prohibited or condemned by the law of nations? How long has it been since this trade, once participated in by the civilized nations of Europe, has been regarded as criminal by the public law, or its prohibitions enforced by the confiscation of the property of those engaged in it? When was it so considered by the statesmen and jurists of Europe or America? How often has this question of slavery and the slave trade been the subject of adjudication in the British courts? Can there be an instance pointed out in which Great Britain herself, whenever the question has been made in her courts, has not admitted, in the most solemn manner, that the slave trade was not prohibited by the law of nations? Her judicial annals are filled with cases affirming directly this doctrine; and, in proof of this, the undersigned begs leave to refer Lord Palmerston to one or two leading cases. In an action brought by a *Spanish merchant* against a captain of the royal navy for damages in having seized his ship, with three hundred slaves, engaged in the African slave trade, the court of King's bench unanimously decided that foreigners who are not prohibited by the laws of their own country from carrying on the slave trade, may, in British courts of justice, recover damages for the wrongful seizure, by a British subject, of a cargo of slaves on board a ship engaged in that trade. In that case the following language was held by some of the judges:

*Bayley, Judge.* "Although the language used by the legislature, in the statute referred to, is undoubtedly very strong, yet it can only apply to British subjects, and can only render the slave trade unlawful if carried on by them. It cannot apply in any way to foreigners. It is true that, if this were a trade contrary to the law of nations, a foreigner could not maintain the action; but it is not, and as a Spaniard cannot be considered as bound by the laws of the British legislature prohibiting this trade, it would be unjust to deprive him of a remedy for the wrong which he has sustained. He had a legal property in the slaves of which he was by the defendant's act deprived."

*Best, Judge.* "The statutes that have been referred to speak in just terms of indignation of the terrible traffic in human beings; but they speak only in the name of the British nation. The declaration of the British legislature that the slave trade is contrary to justice and humanity, cannot affect the subjects of other countries, or prevent them from carrying on this trade out of the limits of the British dominions. The assertion of a right to control the subjects of other states in this respect, would be inconsistent with the independence which we acknowledge,

and that every foreign government possesses. If a ship be acting contrary to the general law of nations, she is thereby subject to confiscation; but it is impossible to say that the slave trade is against what may be called the common law of nations. It was, until lately, carried on by all the nations of Europe. It is clear that the slave trade is not condemned by the general law of nations. The subjects of Spain have only to look to the municipal laws of their own country, and cannot be affected by any laws made by our Government."

Again: in some of the more recent cases in England, the doctrine was elaborately considered by Sir William Scott, and the previous decisions fortified by his high authority. These decisions have justly been regarded as settling the question in the English courts, and throughout his Majesty's dominions. The undersigned again prays Lord Palmerston's attention to the following language of Sir William Scott, animadverting upon a decision given in Sierra Leone, condemning a Swedish vessel engaged in the slave trade:

"This condemnation," says the judge, "took place on principles which this court cannot in any manner recognise, inasmuch as the sentence affirms that the slave trade, from motives of humanity, has been abolished by most civilized nations, and is not, at the present time, authorized by any. The court is disposed to go as far in discountenancing this odious traffic as the law of nations and the principles recognised by English tribunals will allow it in doing; but beyond these principles it does not feel itself at liberty to travel. It cannot proceed in a sweeping anathema of this kind against property belonging to the subjects of other foreign independent states. The position laid down in the sentence of the court below, that the slave trade is not authorized by any civilized state, is, unfortunately, by no means correct, the contrary being notorious from the fact that it is tolerated by some of them. This trade was, at one time, universally allowed by the different nations of Europe, and carried on by them to a greater or less extent, according to their several necessities. Our own country, it is true, has taken a more correct view of the subject, and has secured the abolition of the slave trade as far as British subjects are concerned; but it claims no right of enforcing its prohibitions against the subjects of those states who have not adopted the same opinions with respect to the injuries and immoralities of the trade. It is highly fit that the judge of the court below should be corrected in the view which he has taken of this question, since the doctrine laid down by him in his sentence is inconsistent with the peace of this country and the rights of other states."

In another case, on an appeal to the high court of admiralty, the whole doctrine was again reviewed, and the following strong and marked language was used by Sir William Scott, in declaring the judgment of the court:

"Let me not be misunderstood or misrepresented as a professed apologist for the practice, when I state facts which no man can deny, that personal slavery, arising out of forcible captivity, is coeval with the earliest history of mankind; that it is found existing (and as far as it appears without animadversion) in the earliest and most authentic records of the human race, and was recognised by the codes of the most polished nations of antiquity; that under the light of christianity itself, the posses-

sion of persons so acquired, has been, in every civilized country, invested with the character of property, and secured as such by all the protections of law ; that solemn treaties have been formed, and national monopolies eagerly sought, to facilitate and extend the commerce in this asserted property ; and all this with the sanction of law, public and municipal, and without any opposition, except the protests of a few private moralists, little heard and less attended to, in any country, until within these few years in this particular country. If the matter rested here, I fear it would have been deemed a most extravagant assumption in any court of the law of nations, to pronounce that this practice—the tolerated—the approved—the encouraged object of law ever since man became subject to law, was prohibited by that law, and was legally criminal. But the matter does not rest here. Within these few years an undeniable change of opinion has taken place, particularly in this country. Formal declarations have been made, and laws enacted in reprobation of this practice, and pains, ably and zealously conducted, have been taken to induce other countries to follow the example, but at present with insufficient effect ; for there are nations which adhere to the practice under all the encouragement which their own laws give. What is the doctrine of our own courts of the law of nations relating to them ? Why, that their practice is to be respected ; their slaves, if taken, restored to them ; and, if not taken under innocent mistake, be restored with cost and damages. All this wisely upon the ground that such conduct on the part of any state is no departure from the law of nations.”

And such too has been the course of decisions in the Supreme Court of the United States. The late Chief Justice Marshall, following in the footsteps of Sir William Scott on this subject, thus expounds the doctrine :

“That the course of opinion on the slave trade should be unsettled ought to excite no surprise. The Christian and civilized nations of the world, with whom we have most intercourse, have all been engaged in it. However abhorrent this traffic may be to a mind whose original feelings are not blunted by familiarity with the practice, it has been sanctioned, in modern times, by the laws of all nations who possess distant colonies, each of whom has engaged in it as a common commercial business which no other could rightfully interrupt. It has claimed all the sanction which could be derived from long usage and general acquiescence. This trade cannot be considered as contrary to the law of nations, which was authorized and protected by the laws of all commercial nations, the right to carry on which was claimed by each, and allowed to each. Whatever might be the answer of a moralist to this question, a jurist must search for its legal solution in those principles of action which are sanctioned by usages, the national acts, and general assent of that portion of the world of which he considers himself as a part, and to whose laws the appeal is made. If we resort to this standard as the test of international law, the question is decided in favor of the legality of the trade. Both Europe and America embarked in it, and for nearly two centuries it was carried on without opposition and without censure. A jurist cannot say that a practice, thus supported, was illegal, and that those engaged in it might be punished, either personally or by deprivation of their property. In this commerce, thus sanctioned by universal

consent, every nation has an equal right to engage. How is this right to be lost? Each may renounce it for its own people, but can this renunciation affect others? No principle of general law is more universally acknowledged than the perfect equality of nations. Russia and Geneva have equal rights. It results from this equality that no one can rightfully impose a rule on another. Each legislates for itself, but its legislation can operate on itself alone. As no nation can prescribe a rule for others, none can make a law of nations, and this traffic, therefore, remains lawful to those whose Governments have not forbidden it."

The undersigned, in thus bringing to the view of Lord Palmerston these decisions of the English and American courts, was anxious that his lordship should see that the only ground upon which the legality of the slave trade has ever been assailed, to wit, that it was contrary to the law of nations, has been finally and conclusively settled both by the bench and bar in both countries. There is, then, the highest authority for assuming that slavery and the slave trade are not prohibited by the public law, but are wholly untouched by it. The second and strong ground, then, in vindication of the right claimed to liberate these slaves by the colonial authorities fails, and with it, of course, the right itself. If, then, before the passage of the West India emancipation law, the slave trade was not only not prohibited, but protected, the next inquiry which presents itself is this: Can the provisions of that law, whatever they may be, change the universal law, and be made to operate upon the property of American citizens under such circumstances as those which distinguish these claims? What then is the nature and extent of such jurisdiction under this act? That the municipal laws of one nation cannot be extended beyond its own territory (except as regards its own subjects or citizens) so as to bind the subjects or citizens of another nation, is a proposition which the undersigned had supposed was too clear now to be questioned. However differently the law of nations may be understood in different countries, it has never been supposed to confer on one nation the right of invading, under its municipal regulations, the rights or property of another. Among all the doubtful principles of public law asserted in modern times, there is not one of a more alarming and dangerous character than *this*. It results from the equality and independence of nations as well as the universal principles of right, that the jurisdiction intrusted to one nation, for wise and equitable purposes, by that public law which is common to all, cannot and ought not to be allowed to encroach upon the rights of other nations. The laws of nations, which consider states as so many individuals upon a footing of relative equality, confer jurisdiction upon none without annexing to the grant a condition that, in its exercise, it shall not trench upon the rights of any other member of the great society of nations. Regarded as a system of moral equity applied to civil society, as it justly is, its great object is, not only to respect, but shield from infringement the rights of all without preference of any. To the consequences which would follow from the establishment of a right, in any one nation, to extend its laws beyond its own territory and subjects, to those of other nations, none can be insensible, and especially nations between whom there exists such enlarged views of policy and friendship as those of Great Britain and the United States. Ought any single nation to desire or hope to control the universal law?



Will free and sovereign nations subscribe to any such pretension on the part of any one? Ought they? Will any one nation agree, at the will of another, to have its sovereignty violated and the property of its citizens sacrificed, and they reduced to ruin? Besides the peculiar character of the trade between G. [Britain] and America, which such a power would destroy, would not its exercise tend to draw them from those peaceful and friendly relations, upon the continuance of which the interests and happiness of both so especially depend? Upon this subject the undersigned speaks with the utmost confidence when he assures Lord Palmerston that the claim of power involved in these proceedings of the colonial authorities, swelling as it must the jurisdiction of his Majesty's Government, not only over its own dominions and subjects, but giving a direct and unqualified control over other nations and their citizens, can never be conceded by the Government of the United States, without surrendering its independence and sovereignty as a nation, and disregarding those high obligations of duty which it owes to its own citizens and the other nations of the world. But is such, in truth, the wish or doctrine of Great Britain, and will his Majesty's Government support their colonial authorities in asserting or enforcing it? It is presumed not. And here it becomes important to inquire into the objects and character of her act of West India emancipation, upon which must now exclusively rest the justification of the seizures and confiscations in these cases. Did the Parliament that passed that act intend to confer, under its provisions, any such power upon his Majesty's Government or its colonial authorities? That they did not, is, in the opinion of the undersigned, more than apparent; and he is justified in this opinion, not less by the language of the act than by its objects.

The leading motives of those who passed that law cannot, he thinks, be mistaken. That they were to place the colonies of the British Crown upon the same footing with the mother country in relation to their slave population, none, it is presumed, can doubt. Regarding domestic slavery as a social and moral evil, the British Parliament intended (and it was so declared at the time) this act as the remedy for its final extinguishment. It was however for Great Britain and her colonies, and not for America, that they legislated. It was by the force of example, and not by municipal enactments, that they hoped and intended to affect the laws and institutions of other nations upon this deeply interesting and agitating subject.

A different and more enlarged interpretation of the act is not only unauthorized by its language, but would be unsuitable to its objects, and at variance with the rights of all other nations. And such, too, the undersigned is happy to believe, was the view taken of it by one of the present enlightened and distinguished ministers of his Majesty's Government, in official instructions given by him to the local authorities of the colonies, for their government under this act, soon after its passage. In proof of this the undersigned respectfully begs leave to refer Lord Palmerston to the circular despatch which Mr. Secretary Spring Rice gave to the governors of the West India colonies, including the Bahamas and Bermuda, to the Cape of Good Hope, and to the Mauritius, dated the fourth of November, 1834. In this despatch the following language was held by Mr. Secretary Rice: "*The abolition of slavery on the first of August*

*did not impose the duty, or confer on us a right, of furthering the same result in foreign countries, by promoting the desertion of their slaves, or by any other indirect methods. After the lapse of many years, the Parliament and people of this realm, aided by and associated in this great work with the Legislatures of the British colonies, have established the principle that domestic slavery is a moral and social evil, which, as a matter of wise policy, as well as of moral and social duty, it became necessary to extinguish. But we have no claim to demand the adoption of that principle by other nations. On the contrary, we must respect in them that proprietary right which we have so long exerted and exercised ourselves. The moral influence of our example will not be without a salutary, and, as I trust, an early effect upon the slave codes of other states. In the mean time, justice and humanity concur in requiring us rather to discourage than promote the resort of foreign fugitive slaves to the shores of our own colonies."* This language is too clear to be misunderstood or resisted. It fixes the true character and object of this law, and shows its total incompetency to justify the proceedings of the colonial authorities in relation to these cases. It may then fairly be assumed that slavery, not being prohibited by the law of nations, or the Government and laws of the United States, but protected by both, and Great Britain having no right to extend her laws beyond her territories, (except as regards her own subjects,) and not intending that her act of West India emancipation should be so regarded, the proceedings, in these cases, of her colonial authorities, were unauthorized and illegal, and the indemnity asked of his Majesty's Government both equitable and just. Here the argument on the question of power might safely be concluded, but the undersigned wishes to consider it under the most favorable light in which it can be placed for those who justify the proceedings of the colonial authorities.

Let it then be conceded, for purposes of illustration, that the colonial authorities had the right of liberating American slaves seeking the protection of Great Britain, or carried within her dominions, it is yet maintained that, before the jurisdiction can attach, the possession of the slaves must have been acquired rightfully, and not in violation of any of the principles of public law, or the usages of civilized nations. Let these cases be tested by this standard.

These vessels, it will be borne in mind, belonged, with their cargoes, to a nation at peace with Great Britain. They were engaged in transporting from one part to another, of their own country, the property of its own citizens. That, by the laws of that country, and of the several States, the right of transporting their slaves is especially protected and guarded. That these vessels, sailing under the protection of the law of nations and existing commercial treaties, suffered shipwreck, under the most appalling circumstances, upon the British coast. The cases are purged of any intentional violation of the laws of Great Britain, by clear and irrefragable proofs. Their avowed destination was to the United States. They were seized by British wreckers, in an open sea, and carried into port. The protests of the masters were disregarded; the complaints of the commercial agents treated with contempt, and the slaves liberated. Can the acts of these wreckers, in seizing these vessels and their cargoes, be made to affect their innocent owners? Are they to be

held responsible for the acts of British subjects? Would it be just to visit upon the owners of property, under such circumstances, the sins of others, or the acts of God? But, if these vessels had been engaged in a trade contrary to the law of nations and the municipal laws of their own country, and consequently subject, by the public law, to seizure and confiscation by Great Britain, or her colonial authorities, *coming under other circumstances into their power*; yet, did not the simple fact of having obtained possession of them, through the *means of shipwreck and necessity*, interpose a barrier against the exercise of power which the civilized nations of the world, at all times and under all circumstances, have acknowledged and held sacred and of binding force? And how strongly is such a claim of protection illustrated by the doctrines of public law, and the practice of civilized nations in relation to a state of war. After a declaration of war, Vattel declares that the sovereign cannot detain the persons or property of the subjects of the enemy who are within his dominions at the time of the declaration of war, but is bound to allow them time to withdraw; and if, after reasonable time allowed, they are detained by insurmountable impediments, as sickness and the like causes, the time must be extended. Hence, too, the tribunals of the law of nations, before they have enforced the principles of blockade, have uniformly admitted that, if a party be led into the blockaded port by some accident which he could not control, or for want of some information which he could not obtain, he shall be excused, and suffered to depart. Nor is this doctrine of extending protection to the shipwrecked and unfortunate unknown to Great Britain. She has, herself, consecrated it in her practice, under the most rigid system of her blockade and prize laws. In proof of this, the undersigned will content himself with referring to a single and leading case. In the case of the *Diana*, the council, in 1800, restore an enemy's ship for the single reason that she had been compelled to enter the port *by stress of weather, and to avoid shipwreck*. Upon that occasion the Attorney General said, "*I should equally fail in my respect to myself and to the council before whom I have the honor to represent the Government, were I not to maintain a principle consecrated by our laws, and those of all nations.*" So, too, Sir William Scott, in another case, declared "*that an imperative, overruling compulsion to enter a blockaded port, such as continued gale or shipwreck, will always excuse.*" If, then, this doctrine of humanity is to be respected and enforced upon the subject of blockade (the most severe and harsh in its operation of any in the whole code of public law) in the case of a common enemy, with what peculiar force is it applicable to two nations situated as Great Britain and America now are! There is believed to be no warrant for the exercise of such a power, under such circumstances, in the opinion of any respectable writer upon public law; no written or recorded precedent in the practice of any of the civilized nations of the world. Shall the barbarous practice of ancient times, "which took that which the tempest spared," be again revived? Shall misfortune and shipwreck be considered criminal, and confidence in the justice and hospitality of a friendly nation be punished by forfeiture and confiscation? Will a nation, standing so pre-eminently high as Great Britain, lend its sanction to doctrines condemned alike by reason and justice; by that law which flows from and is founded on them; and by the uni-

versal voice of every civilized nation—doctrines which received the solemn denunciation and reprobation, in the face of the whole world, of her own high tribunals? That it will not, the undersigned will not permit himself for a moment to doubt. So much as to the general principles involved in these claims. Before, however, closing the discussion, (upon which, perhaps, he has dwelt too long,) the undersigned will take occasion to offer a single remark upon the course which the Government of the United States have felt it their duty to take upon the subject of the African slave trade. He is aware, as is probably Lord Palmerston, that there is supposed to exist some degree of inconsistency between the measures taken by the American Government for the abolition of that trade, and the doctrines which it now maintains: but is there, in truth, any color for such an imputation? That the Government of the United States have used all the means in its power, consistently with the constitution and the rights of the confederated States, to abolish this trade, is most true; but it has been done alone by the force of municipal laws and regulations. They have not only prohibited it to their own citizens by penal as well as revenue and trade laws, but made it a high criminal offence, and punished it as piracy. The existence of domestic slavery in the United States forms no excuse for extending the guilt or misery of the African slave trade. It should be borne in mind by those who are upbraiding the United States with inconsistency, that slavery was introduced among them during their colonial dependance, and against the solemn remonstrances of their legislative councils. America did not introduce it. There is no nation, then, that has any right to reproach her for supposed inconsistency in her honest efforts to extirpate the slave trade whilst she yet tolerates domestic slavery. The last is a matter not for other nations, but for herself alone; and, as to the first, the undersigned will take occasion to say that, whilst many, nay most of the civilized nations of the world were engaged in this odious traffic, and whilst it was sanctioned by most of the nations having colonies, and who engaged in it as a commercial business, America led the way, and was foremost among all Christendom in adopting and enforcing the most rigorous measures for its final overthrow. In resisting then the right of his Majesty's colonial authorities to confiscate the property of its citizens, and supporting their claims for indemnity, the Government of the United States are not only consistent, but are fulfilling the highest obligations of duty, and the undersigned wishes it to be distinctly understood that his Government, in the course which it is taking upon this subject, disclaims any wish of connecting it with the policy of the two countries upon the subject of the abolition of the African slave trade. He feels justified then in solemnly and confidently asserting that the course of the Government of the United States in relation to this subject, affords no just ground for any supposed imputation of inconsistency. Thus much the undersigned has felt it his duty to say, in vindication of his Government upon the subject; if he had said less, that duty would have reproached him.

Upon the character of the indemnity, and amount of compensation, it will not be necessary at this time to say any thing. That will, as a matter of course, become a subject of negotiation, after the principles involv-

ed shall have been settled. Should however his Majesty's Government finally determine to make compensation, rather than return the slaves, or should the return of the slaves become impracticable under any implied faith which may have been pledged to the slaves by the colonial authorities, then, the undersigned presumes (in the absence of any specific instructions from his Government on the subject) that the violation of any such pledge will not be required either by the claimants or his Government; but satisfactory arrangements can be made for ascertaining the value of the slaves, and the injuries sustained, and such compensation accepted as the justice and equity of the cases may justify.

The undersigned has now had the honor of presenting to Lord Palmerston the views which have suggested themselves to his mind upon this important subject. He has endeavoured to urge them in a manner due to the importance of the subject and the interests and feelings of his own country, and with sentiments of profound respect for his Majesty's Government. In forbearing to press the subject further upon the attention of Lord Palmerston, the undersigned feels assured that a mind less liberal and enlightened than his lordship's will perceive, not only the deep interest which the subject possesses, but the just grounds upon which the claims for indemnity rest, and that these will constitute a sufficient motive with his lordship to employ his interposition with his Majesty's Government for their speedy adjustment, in the manner best adapted to its accomplishment. As the Government of the United States expect from the undersigned an early communication upon the subject, he feels assured that his lordship will take pleasure in enabling him to fulfil the expectation in a satisfactory manner. The undersigned, however, cannot consent to close this note without again expressing to Lord Palmerston the full confidence which the President of the United States feels, not only in the disposition of his Majesty's Government to do justice to these claims, but in its sincere wish to preserve the friendly relations between the two countries, and, if the efforts of the undersigned in the final and satisfactory adjustment of this interesting subject shall be crowned with success, it will give him a source of high and durable pleasure.

The undersigned eagerly avails himself of the occasion again to renew to Lord Palmerston the assurance of his most distinguished consideration.

A. STEVENSON.

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*Extract of a letter from Mr. Stevenson to Mr. Forsyth, dated*

AUGUST 22, 1836.

As yet I have received no answer to my communication upon the subject of the shipwrecked slaves. Apart from the intrinsic difficulties which the subject itself, at the present moment, presents to the ministry, arising out of public sentiment, the dissolution of Parliament and the press of interesting affairs which continually demand the attention of the cabinet have probably contributed to delay the answer. As most of the ministers have left town for the country, nothing will be done, I presume, until they return in the fall. I shall not fail to renew the subject at a proper time, and press its decision.

*Extract of a letter from Mr. Stevenson to Mr. Forsyth, dated*

OCTOBER 5, 1836.

I have yet received no answer to my communication upon the subject of the shipwrecked slaves. Indeed, at this period of the year, ministers are so frequently cut of town, and the opportunities of having decisions of the Government upon important questions so rare, that it is difficult to say when an answer may be expected. I shall continue, however, to urge the importance of an early and final decision, and especially before the ensuing session of Congress.

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*Extract of a letter from Mr. Stevenson to Mr. Forsyth, dated*

NOVEMBER 19, 1836.

No answer has yet been received to my note about the shipwrecked slaves, nor can I say when one may be expected. As soon as the ministers of the cabinet return to town, I will again call the attention of the Government to the subject, and urge a decision.

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*Extract of a letter from Mr. Stevenson to Mr. Forsyth, dated*

DECEMBER 14, 1836.

I had flattered myself with the hope of receiving, before this time, an answer to my last communication to the Government here, upon the subject of the claims of our citizens for their shipwrecked slaves. Having been disappointed in this, and seeing no prospect of any thing being done, I determined to make another effort, and accordingly addressed, yesterday, to Lord Palmerston, a note on the subject, urging the necessity of a decision, and desiring to know when one might be expected. I transmit herewith a copy of my note, by which you will see that I have pressed the subject with the earnestness and in the manner that the character of the delay and the circumstances under which it has taken place required. Indeed, after a delay of so many years in the adjustment of mere private claims, amounting almost to a denial of justice, I deemed it proper to make my note as short as I could well do, consistently with delicacy to the Government here and the self-respect due to our own. I presume I shall get an answer to this note. \* \* \* \* \* Should the delay continue, and the President or yourself wish any other and stronger step to be taken, I shall expect to be advised on the subject, and the degree of urgency that I am to adopt. I pray, therefore, to be honored with your instructions.

*Mr. Stevenson to Lord Palmerston.*

The undersigned, envoy extraordinary and minister plenipotentiary of the United States, has the honor again to call the attention of Lord Palmerston, his Majesty's principal Secretary of State for Foreign Affairs, to the several communications heretofore made to his Majesty's Government in behalf of the claims of certain citizens of the United States for injuries sustained by them in consequence of the proceedings of the British colonial authorities of the Bahamas.

By reference to these communications, it will be seen that the first of these claims was presented to the consideration of his Majesty's Government as early as February, 1832, and the last of them as far back as May, 1835, and that more than four months have elapsed since the last note which the undersigned had the honor to address to Lord Palmerston was received, to which no answer has yet been given. Having in that communication expressed to his lordship, as he was instructed to do, the disappointment and regret with which the delay, on the part of his Majesty's Government, in deciding these claims, had been regarded by the Government of the United States, and the confident expectation entertained by the President that no further delay would be suffered, but that an early decision of them would be made, the undersigned had flattered himself with the hope that he should not only before this time have been honored with an answer to his communication, but that he should have had it in his power to have communicated to his Government the gratifying intelligence of the final and satisfactory adjustment of the whole subject. Disappointed in this reasonable expectation, the undersigned feels himself constrained, as well by considerations of what is due to the claimants as a sense of duty to his Government, to make another, and, he hopes, more successful appeal to the candor and justice of his Majesty's Government. In doing so the undersigned will abstain from entering into any further discussion of the merits of these claims, or of the proceedings of the colonial authorities under which the injuries for which indemnity is asked were committed. This has been too fully and recently done, both by the undersigned and his predecessors, to render a recapitulation either necessary or proper. The undersigned will, therefore, content himself with again inviting the attention of his Majesty's Government to the subject, in a confident hope that the difficulties which have heretofore prevented an earlier decision of these claims will be removed, and a speedy adjustment of them be promptly made.

That his Majesty's Government are sincerely desirous to do impartial justice to these claims, as well as avoid, with scrupulous regard, all unnecessary delay in their settlement, the undersigned will readily admit; but, that his Majesty's Government have been fully sensible of the importance of the principles involved in them, or of the injurious consequences which have resulted from the delay in their final disposition, he must be permitted to doubt.

Of the character and consequences, however, of the protracted delay which has taken place, the undersigned will forbear to speak. Sensible as he is of the various and important matters which must necessarily demand the time and attention of his Majesty's Government, the under-

signed has supposed it not improbable that the subject of these claims may have been regarded as matters of secondary consideration, and have, consequently, been postponed for other more pressing concerns by his Majesty's Government. It is in this view that the undersigned feels himself justified in again inviting the attention of Lord Palmerston to the subject, and making another appeal to the justice of his Majesty's Government.

The undersigned, therefore, begs leave respectfully to renew to Lord Palmerston his entreaties for an early and amicable adjustment of these claims, and to request his lordship to place before his Majesty's Government the assurance that, whilst the Government of the United States would continue to regard with profound regret and increased sensibility any further delay in this matter, it yet entertains the confident expectation that his Majesty's Government, sensible of the high obligations it owes as well to itself as to the United States, will not longer consent to postpone the decision of a subject which has been for so many years under its consideration, and the effect of which can be none other than to throw not only additional impediments in the way of an adjustment and increase those feelings of dissatisfaction and irritation which have already been excited, but, by possibility, tend to disturb and weaken the kind and amicable relations which now so happily subsist between the two countries, and on the preservation of which so essentially depend the interests and happiness of both.

The pure and lofty principles which the Government of the United States never cease to cherish and practise in its intercourse with foreign nations, and its confidence in the good faith as well as justice of his Majesty's Government, forbid any apprehension that the just expectation which it has formed of an immediate and amicable adjustment of these claims by his Majesty's Government will not be promptly met and fully realized.

As the President of the United States will expect to hear from the undersigned, at an early day, upon this subject, and may wish to make known to Congress (now in session) the present state of the negotiation, the undersigned prays that Lord Palmerston will have the goodness to inform him whether his Majesty's Government have come to any decision respecting these claims, and, if not, at what time one may be expected.

The undersigned requests Lord Palmerston to accept renewed assurances of his distinguished respect and consideration.

A. STEVENSON.

23 PORTLAND PLACE, *December 13, 1836.*



**TREATY WITH MOROCCO**

**MESSAGE**

FROM

**THE PRESIDENT OF THE UNITED STATES,**

TRANSMITTING

*Copies of a treaty of peace and commerce between the United States and the empire of Morocco.*

**FEBRUARY 13, 1837.**

Read, and laid upon the table.

**WASHINGTON, February 9, 1837.**

*To the House of Representatives of the United States:*

I communicate to Congress printed copies of the treaty of peace and commerce between the United States and the empire of Morocco, concluded at Meccanez, on the 16th day of September last, and duly ratified by the respective Governments.

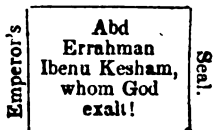
**ANDREW JACKSON.**

**A PROCLAMATION**

**BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.**

Whereas, a treaty of peace and friendship between the United States of America and the Emperor of Morocco was concluded and signed at Meccanez, on the sixteenth day of September, Anno Domini one thousand eight hundred and thirty six, which treaty is, word for word, as follows :

*In the name of God, the Merciful and Clement!*



**PRAISE BE TO GOD!**

This is the copy of the treaty of peace which we have made with the Americans, and written in this book ; affixing thereto our blessed seal, that, with the help of God, it may remain firm forever.

Blair & Rives, printers.

Written at Meccanez, the city of Olives, on the 3d day of the month Jumad el lahhar, in the year of the Hegira 1252. (Corresponding to September 16, A. D. 1836.)

**ARTICLE 1.** We declare that both parties have agreed that this treaty, consisting of twenty-five articles, shall be inserted in this book, and delivered to James R. Leib, agent of the United States, and now their resident consul at Tangier, with whose approbation it has been made, and who is duly authorized on their part to treat with us concerning all the matters contained therein.

**ART. 2.** If either of the parties shall be at war with any nation whatever, the other shall not take a commission from the enemy, nor fight under their colors.

**ART. 3.** If either of the parties shall be at war with any nation whatever, and take a prize belonging to that nation, and there shall be found on board subjects or effects belonging to either of the parties, the subjects shall be set at liberty, and the effects returned to the owners. And if any goods, belonging to any nation with whom either of the parties shall be at war, shall be loaded on vessels belonging to the other party, they shall pass free and unmolested, without any attempt being made to take or detain them.

**ART. 4.** A signal or pass shall be given to all vessels belonging to both parties, by which they are to be known when they meet at sea; and if the commander of a ship of war of either party shall have other ships under his convoy, the declaration of the commander shall alone be sufficient to exempt any of them from examination.

**ART. 5.** If either of the parties shall be at war, and shall meet a vessel at sea belonging to the other, it is agreed that if an examination is to be made, it shall be done by sending a boat with two or three men only; and if any gun shall be fired, and injury done without reason, the offending party shall make good all damages.

**ART. 6.** If any Moor shall bring citizens of the United States or their effects to his Majesty, the citizens shall immediately be set at liberty, and the effects restored; and in like manner, if any Moor, not a subject of these dominions, shall make prize of any of the citizens of America, or their effects, and bring them into any of the ports of his Majesty, they shall be immediately released, as they will then be considered as under his Majesty's protection.

**ART. 7.** If any vessel of either party shall put into a port of the other, and have occasion for provisions or other supplies, they shall be furnished without any interruption or molestation.

**ART. 8.** If any vessel of the United States shall meet with a disaster at sea, and put into one of our ports to repair, she shall be at liberty to land and reload her cargo, without paying any duty whatever.

**ART. 9.** If any vessel of the United States shall be cast on shore on any part of our coasts, she shall remain at the disposition of the owners, and no one shall attempt going near her without their approbation, as she is then considered particularly under our protection; and if any vessel of the United States shall be forced to put into our ports by stress of weather, or otherwise, she shall not be compelled to land her cargo, but shall remain in tranquillity until the commander shall think proper to proceed on his voyage.

**ART. 10.** If any vessel of either of the parties shall have an engagement with a vessel belonging to any of the Christian powers, within gun-

shot of the forts of the other, the vessel so engaged shall be defended and protected as much as possible, until she is in safety; and if any American vessel shall be cast on shore on the coast of Wadnoon, or any coast thereabout, the people belonging to her shall be protected and assisted, until, by the help of God, they shall be sent to their country.

ART. 11. If we shall be at war with any Christian power, and any of our vessels sails from the ports of the United States, no vessel belonging to the enemy shall follow until twenty-four hours after the departure of our vessels; and the same regulation shall be observed towards the American vessels sailing from our ports, be their enemies Moors or Christians.

ART. 12. If any ship of war belonging to the United States shall put into any of our ports, she shall not be examined on any pretence whatever, even though she should have fugitive slaves on board; nor shall the governor or commander of the place, compel them to be brought on shore, on any pretext, nor require any payment for them.

ART. 13. If a ship of war, of either party, shall put into a port of the other, and salute, it shall be returned from the fort with an equal number of guns, not more or less.

ART. 14. The commerce with the United States shall be on the same footing as is the commerce with Spain, or as that with the most favored nation for the time being; and their citizens shall be respected and esteemed, and have full liberty to pass and repass our country and seaports, whenever they please, without interruption.

ART. 15. Merchants of both countries shall employ only such interpreters, and such other persons to assist them in their business, as they shall think proper. No commander of a vessel shall transport his cargo on board another vessel; he shall not be detained in port longer than he may think proper; and all persons employed in loading or unloading goods, or in any other labor whatever, shall be paid at the customary rates, not more and not less.

ART. 16. In case of a war between the parties, the prisoners are not to be made slaves, but to be exchanged one for another, captain for captain, officer for officer, and one private man for another; and if there shall prove a deficiency on either side, it shall be made up by the payment of one hundred Mexican dollars for each person wanting. And it is agreed, that all prisoners shall be exchanged in twelve months from the time of their being taken, and that this exchange may be effected by a merchant, or any other person authorized by either of the parties.

ART. 17. Merchants shall not be compelled to buy or sell any kind of goods, but such as they shall think proper; and may buy and sell all sorts of merchandise, but such as are prohibited to the other Christian nations.

ART. 18. All goods shall be weighed and examined before they are sent on board; and to avoid all detention of vessels, no examination shall afterwards be made, unless it shall first be proved that contraband goods have been sent on board; in which case, the persons who took the contraband goods on board shall be punished according to the usage and custom of the country, and no other person whatever shall be injured, nor shall the ship or cargo incur any penalty or damage whatever.

ART. 19. No vessel shall be detained in port on any pretence whatever, nor be obliged to take on board any article without the consent of the commander, who shall be at full liberty to agree for the freight of any goods he takes on board.

ART. 20. If any of the citizens of the United States, or any persons under their protection, shall have any dispute with each other, the consul shall decide between the parties; and whenever the consul shall require any aid or assistance from our Government, to enforce his decisions, it shall be immediately granted to him.

ART. 21. If a citizen of the United States should kill or wound a Moor, or, on the contrary, if a Moor shall kill or wound a citizen of the United States, the law of the country shall take place, and equal justice shall be rendered, the consul assisting at the trial; and if any delinquent shall make his escape, the consul shall not be answerable for him in any manner whatever.

ART. 22. If an American citizen shall die in our country, and no will shall appear, the consul shall take possession of his effects; and if there shall be no consul, the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them; but if the heir to the person deceased be present, the property shall be delivered to him without interruption: and if a will shall appear, the property shall descend agreeably to that will, as soon as the consul shall declare the validity thereof.

ART. 23. The consuls of the United States of America shall reside in any seaport of our dominions that they shall think proper; and they shall be respected, and enjoy all the privileges which the consuls of any other nation enjoy; and if any of the citizens of the United States shall contract any debts or engagements, the consul shall not be in any manner accountable for them, unless he shall have given a promise in writing for the payment or fulfilling thereof; without which promise in writing, no application to him for any redress shall be made.

ART. 24. If any differences shall arise by either party infringing on any of the articles of this treaty, peace and harmony shall remain notwithstanding, in the fullest force, until a friendly application shall be made for an arrangement; and until that application shall be rejected, no appeal shall be made to arms. And if a war shall break out between the parties, nine months shall be granted to all the subjects of both parties, to dispose of their effects, and retire with their property. And it is further declared, that whatever indulgence, in trade or otherwise, shall be granted to any of the Christian powers, the citizens of the United States shall be equally entitled to them.

ART. 25. This treaty shall continue in force, with the help of God, for fifty years; after the expiration of which term, the treaty shall continue to be binding on both parties, until the one shall give twelve months notice to the other, of an intention to abandon it; in which case, its operations shall cease at the end of the twelve months.

CONSULATE OF THE UNITED STATES OF AMERICA  
FOR THE EMPIRE OF MOROCCO.

*To all whom it may concern :*

Be it known : Whereas the undersigned, James R. Leib, a citizen of the United States of North America, and now their resident consul at Tangier, having been duly appointed commissioner, by *letters patent*, under the signature of the President, and seal of the United States of North America bearing date at the city of Washington, the 4th day of July, A. D. 1835



for negotiating and concluding a treaty of *peace and friendship* between the United States of North America, and the empire of Morocco: I, therefore, James R. Leib, commissioner as aforesaid, do conclude the foregoing treaty, and every article and clause therein contained, reserving the same, nevertheless, for the final ratification of the President of the United States of North America, by and with the advice and consent of the Senate.

In testimony whereof, I have hereunto affixed my signature and the seal of this consulate, on the 1st day of October, in the year of our Lord  
[L. s.] 1836, and of the independence of the United States the sixty-first.  
JAMES R. LEIB.

And whereas, the said treaty has been duly ratified by the respective Governments: Now, therefore, be it known, that I, Andrew Jackson, President of the United States of America, have caused the said treaty to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this thirtieth day of January, in the year  
[L. s.] of our Lord one thousand eight hundred and thirty-seven, and of the independence of the United States the sixty-first.

ANDREW JACKSON.

By the President :

JOHN FORSYTH, *Secretary of State*.









JURISDICTION NORTH OF 45° NORTH LATITUDE.

LETTER

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

*Resolutions of the Legislature of New Hampshire in relation to the claim of that State for expenses incurred in maintaining jurisdiction over that portion of their territory north of 45° north latitude.*

FEBRUARY 14, 1837.

Referred to the Committee on Foreign Affairs.

*To the House of Representatives of the United States:*

I herewith transmit to the House of Representatives a letter, addressed to me on the 30th ultimo by the Governor of the State of New Hampshire, communicating several resolutions of the Legislature of that commonwealth, and claiming the reimbursement of certain expenses incurred by that State in maintaining jurisdiction over that portion of its territory north of the forty-fifth degree of north latitude, known by the name of Indian Stream, under circumstances explained in his excellency's letter.

ANDREW JACKSON.

WASHINGTON, February 11, 1837.

STATE OF NEW HAMPSHIRE,  
*Executive Department, January 30, 1837.*

TO ANDREW JACKSON,  
*President of the United States:*

SIR: In compliance with a resolution of the State of New Hampshire, a copy of which is herewith enclosed, I transmit to your excellency (with the vouchers for the same) an account of the expenses incurred by this State in maintaining her jurisdiction over that portion of her territory north of the forty-fifth degree of north latitude, known by the name of Indian Stream, the peaceable possession of which has been interrupted, and an open resistance to our laws made by the citizens thereof, encouraged and instigated thereto by persons in commission under the British Govern-

ment of Lower Canada, who set up a claim to the territory, as being a part of that province, agreeably to the alleged award of the King of the Netherlands.

During the past summer, a commission was instituted on the part of this State, consisting of Joseph Low, Adjutant General, Ralph Metcalf, Secretary of the State, and John P. Hale, United States district attorney, to investigate the affairs and difficulties at Indian Stream. They attended to this duty; and by their report, with the map and other documents and testimony, previously transmitted by me to the Department of State of the United States, your excellency will clearly perceive that the disputed territory is incontrovertibly within the limits of this State, even according to the construction the British Government would give to the language of the treaty of 1783; and that even more territory actually belongs to the State than she has ever extended her jurisdiction over. And it will be seen by that report, and the evidence accompanying the same, that the territory, to maintain which the expenses were necessarily incurred, for which the State asks remuneration from the General Government, has been in our possession for half a century, and under our jurisdiction and laws; and that no claim has ever been asserted to the same by the British Government till since the alleged award of the King of the Netherlands.

Since that, however, the Government of Lower Canada, or persons holding commissions under it, have claimed the territory as part of that province: have attempted to extend their jurisdiction over it, by arresting and imprisoning our citizens under precepts issued and executed by their officers: and have advised and instigated the inhabitants settled in the territory to declare themselves independent of this State, which they accordingly did, and forcibly resisted the execution of our laws, and openly set them at defiance.

In this state of affairs, it either became necessary to relinquish the territory, or maintain our jurisdiction by an armed force. The Legislature of the State unanimously and promptly decided upon the latter, and a military force was stationed there during the fall and winter of 1835 and 1836. By this means, the jurisdiction of the State and of the United States was preserved, the laws enforced, order restored, and protection afforded to those of the inhabitants peaceably disposed and well inclined to our Government.

To reimburse these and other expenses necessarily incident thereto, is what the State of New Hampshire asks of the General Government of the United States. They were incurred in suppressing an actual insurrection, growing out of the unsettled state of the boundaries with a foreign power, and the claim of that power to a portion of our territory. The difficulties would never have arisen, but for this pretended claim of the authorities of Lower Canada, arising from the aforesaid award of the King of the Netherlands. With such facts before him, we presume the President of the United States will see the justice and equity of our claim.

There can be no disposition on the part of the United States to throw the burden on the frontier States of maintaining entire their territory against foreign interference, and more especially when facilities are offered for such interference successfully, by reason of the unsettled state of the boundaries. Had we relinquished the territory, it would plausibly have been construed into an abandonment of our claim to it, when we have exercised jurisdiction over it uninterrupted for fifty years, and to which the State has as undoubted a right as to any portion of her territory. But this

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we could not do, in honor or justice; and the State has maintained the integrity of her limits by an armed force, and now calls on the General Government to reimburse the expenses she has necessarily incurred. We ask nothing by way of generosity; we only wish for our right, which, we doubt not, will be readily acknowledged and as cheerfully granted.

Agreeably to the resolution, I must request you to present our claim to Congress for adjustment.

I have the honor to be, with great respect,

Your most obedient servant,

ISAAC HILL.

STATE OF NEW HAMPSHIRE,

*In the year of our Lord one thousand eight hundred and thirty-six.*

*Resolved by the Senate and House of Representatives in General Court convened,* That the military and other expenses incurred by the Government of this State, in protecting its citizens from unlawful attempts on the part of the authorities of the Province of Lower Canada to possess and exercise jurisdiction over that part of the county of Coos known by the name of Indian Stream settlement, are proper subjects of charge against the Government of the United States.

*Resolved,* That the Adjutant General be directed to state the several items of expense which have been incurred and paid by the Government of this State, in consequence of the foreign interference with the territory aforesaid, and, with such statement, furnish his excellency the Governor the vouchers necessary to prove payment of the said several items.

*Resolved,* That his excellency the Governor be requested to transmit to the President of the United States the statement and vouchers aforesaid, with a request that he lay them before Congress for allowance.

*Resolved,* That the Senators and Representatives in Congress from this State be requested to procure the passage of a law refunding to this State the expenses incurred as aforesaid.

C. G. ATHERTON,

*Speaker of the House of Representatives.*

JAMES CLARK,

*President of the Senate.*

Approved, December 31, 1836.

ISAAC HILL, *Governor.*

A true copy.

R. METCALF,

*Secretary of State.*

THE UNITED STATES TO THE STATE OF NEW HAMPSHIRE,

Dr. !

1836. To payment of sundry military expenses incurred by the State, in repelling invasion and suppressing insurrection at Indian Stream, in the county of Coos, in said State, as per vouchers in package marked A

Do.	do.	do.	B	-	\$5,042 30
					986 33

\$6,028 63

JANUARY 15, 1837.

Stated by order of the Legislature, and respectfully submitted in compliance with their resolution of December, 1836:

JOSEPH LOW,

*Adjutant General of the State of New Hampshire.*

To His Excellency Governor HILL.

NIAGARA SHIP CANAL.

[To accompany bill H. R. No. 931.]

FEBRUARY 14, 1837.

Mr. HARD, from the Committee on Roads and Canals, made the following

REPORT:

*The Committee on Roads and Canals, to which was referred the report of the Secretary of War of the result of the survey of the several routes of a ship canal round the falls of Niagara, to connect the navigable waters of the Lakes Erie and Ontario, together with several memorials on the same subject, have had the same under consideration, and beg leave to report :*

That the project of a ship canal, to connect the navigable waters of Lakes Erie and Ontario, has, for many years, claimed the attention of the General Government as one of conceded public utility, and one whose construction was intimately connected with the military and commercial prosperity of the country.

On the sixth day of March, one thousand eight hundred and eight, the Secretary of the Treasury, in pursuance of a resolution of the Senate of the United States, submitted to that body an able and elaborate report on the subject of roads and canals, in which, among many others of general interest that might require the aid of the General Government, was included one around the falls of Niagara. In obedience to the requisitions of the resolution, he projected a grand scheme of internal improvement, embracing such objects only as were deemed worthy the aid of Congress, and for whose construction it might, without infringing the rights of the several States in which they were situated, or transcending its own constitutional limits, appropriate a portion of the public money. He arranged the numerous routes recommended into four classes, according to their geographical position and direction ; they are as follows :

1. Great canals from north to south along the Atlantic coast.
2. Communication between the western waters and the Atlantic.
3. Communications between the Atlantic, the great lakes, and the river St. Lawrence.
4. Internal canals.

Within the third class was comprehended the plan of a ship canal around Niagara falls, which was represented as both practicable and of primary importance to the interests and domestic policy of the Union. It alludes to the limited project, which had been previously started by the enterprise

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of private individuals, for cutting a canal from Porter's store-house, so called, near old Fort Schlosser, to Devil's hole, about half-way to the foot of the rapids, and recommends the enlargement of the plan, so as to extend it by a flight of locks to the level of the river at Lewiston.

In the year 1826 another and more accurate survey was effected under the direction of private individuals, who had associated themselves together, with the view of obtaining a charter from the State of New York, incorporating a joint-stock company, for the purpose of accomplishing this work. Under this survey, the canal was intended to commence at the same point, and terminate at the foot of the rapids at Lewiston; and the estimated cost was computed at a million of dollars.

Again, in the summer of 1835 the present Executive of the United States ordered a third survey to be made on a still more enlarged scale, and, for this purpose, Captain Williams, of the engineer corps, a competent and faithful officer, was sent out to accomplish it: a duty which he performed with an accuracy and minuteness which cannot but inspire confidence.

It is a fact worthy of remark, that, in every instance, where a survey has been ordered and estimates made, they have uniformly been followed by results that establish the fact of its feasibility.

In thus tracing the history of this measure, it has afforded matter of gratification that, in again bringing the subject to the consideration of Congress, the committee are not chargeable with the responsibility of introducing any new project, nor of pressing any new or unusual claim upon the munificence of the General Government, but that they are acting in unison with the views and opinions of the Executive branch of the Government for three successive administrations.

In settling the question of the expediency of the undertaking, three topics of discussion seem to arise for consideration—

1. The practicability of the measure;
2. The constitutionality of the measure; and
3. The ultimate utility.

In relation to the first, the investigation has been met with no impediments, as the practicability has been frequently made the subject of inquiry by competent engineers, founded upon accurate surveys; and, as these surveys have been accompanied by detailed estimates of the expense in labor and money, and have, in every instance, favored the project, it was but reasonable to adopt them as the safest and more sure guides. As the question of practicability is ascertained alone by scientific skill and calculation, founded upon actual local observation and mensuration, and as these elements are ably combined and developed in the survey and report of Captain Williams, the committee beg leave to extract from it that portion which relates to this branch of the subject, and adopt it as a part of their report. It will be found appended, and marked A.

In deciding upon the most practicable route for the canal, various lines, and different modifications of the same line, were run by the engineer, and comparative statements made of their probable cost, respectively.

One line commences at Porter's store-house, and terminates below the rapids, at the village of Lewiston. The second starts at the same point, and terminates at the mouth of the Four Mile creek, on Lake Ontario. The third general line follows up Cayuga creek, crosses the Lewiston ridge at Pekin, and debouches at the mouth of Twelve Mile creek. While the

fourth general route leaves the Niagara river, at the mouth of Tonnewonta creek; meets the Erie canal at Pendleton, and follows that to Lockport; descends the ridge there, and pursues the valley of the Eighteen Mile creek to its mouth. As all these routes are pronounced feasible, and present each of them their characteristic advantages, which seem to divide their claims to preference, it is thought proper, in framing the bill which accompanies this report, to leave it with the Executive to make the selection, and designate the route. This course is thought the more advisable, as it is a work confessedly of a military as well as commercial character, and would, therefore, require the advisement of a practical engineer to decide upon that location which would best promote the great object of its construction. The committee, therefore, with a view to furnish all the information in their power upon the comparative merits, beg leave to transcribe and make a part of their report that portion which relates to that subject. It will be found in the appended document (marked B.)

The next question that presented itself in the course of investigation was, whether this identical case was embraced in that class over which Congress had conceded jurisdiction; not that the committee apprehended that any valid objection could be raised on that score; but as the object was one of no ordinary magnitude, and in its construction must necessarily draw from the public treasury a sum of money of no inconsiderable amount, it was thought to be due to the Government, whose powers are limited, and to the several States, who are interested in its funds, and, finally, to Congress itself, whose reasons for such measures should always appear of record, and whose duty it is to authenticate every act for the appropriation of money by the strongest possible evidence of legal sanctions.

It is not necessary for the purpose of this report to enter into a profound argument in defence of literal grants or constructive powers of Congress; it is sufficient merely to state those portions of the constitution under which Congress claims the right to legislate on these objects, and then to establish that right by recorded evidences of an uninterrupted practice, and long acquiescence in that species of legislation.

By the constitution, the confederacy has expressly charged the General Government with the guardianship of all their military and naval interest and operations; so, too, has it intrusted it with the unreserved power of regulating commerce with foreign nations, among the States, and with the Indian tribes. It is manifest, therefore, that every object of internal improvement, whose construction will essentially promote the interests of either of these branches of public policy, has a legitimate claim upon the aid of the Federal Government.

That the Niagara canal has a direct tendency to such results, might be assumed upon a slight reflection and observation; but it will appear the more clearly so, when its multiplied benefits are represented more in detail; a duty belonging more appropriately to another branch of this report. This and similar measures have been presented to the attention of Congress by the Executive branch of the Government, through every administration, from the year 1805 to the present day. Thus, the Delaware and Chesapeake canal, the Chesapeake and Ohio canal, the Louisville and Portland canal, and the Dismal Swamp canal, have all, in turn, received their portion of federal munificence, upon the general principle of commercial expediency.

In the report of the Secretary of the Treasury, already referred to, which was submitted under the order of the Senate of the United States of the 2d of March, 1807, a magnificent scheme of internal navigation was brought forward, and pressed upon the consideration of Congress with all the force which the distinguished talent and patriotism of that administration, and the intrinsic merits of the scheme, were capable of bringing to its aid. The general plan which it recommended has already been stated in a former part of this report.

An elaborate and detailed account was furnished of each individual object, followed by an aggregate estimate of what would be required to accomplish them, which was stated at twenty millions of dollars. The report assigned the reasons, also, for recommending them to the aid of the General Government; and as these afford a clew to the doctrine entertained in relation to the powers of Congress over the subject of internal improvement under that memorable administration, a liberal extract from the report will be here inserted.

After stating what is universally conceded by all nations at the present age, the great importance of artificial roads and canals to the physical and moral prosperity of every people, it continues:

"The present population of the United States, compared with the extent of territory over which it is spread, does not, except in the sea ports, admit the extensive commercial intercourse within short distances, which in England and some other countries form the principal support of artificial roads and canals. With few exceptions, canals particularly cannot, in America, be undertaken with a view solely to the intercourse, between the two extremes of and along the intermediate ground which they occupy. It is necessary, in order to be productive, that the canal should open a communication with a natural extensive navigation which will flow through that channel.

"It follows that, whenever that navigation requires to be improved, or when it might at some distance be connected by another canal to another navigation, the first canal will remain comparatively unproductive until the other improvements are effected, and until the other canal is also completed. Thus, the expensive canals completed around the great falls of the Potomac will become more productive in proportion to the improvements first of the navigation of the upper branches of the river, and then of its communication with the western waters. Some works already executed are unprofitable; many more remain unattempted, because their ultimate productiveness depends on other improvements too extensive or too distant to be embraced by the same individuals. The General Government can alone remove the obstacle. The early and efficient aid of the General Government is recommended by still more important considerations."

"The inconveniences, complaints, and perhaps dangers, which may result from the vast extent of territory, can no otherwise be readily removed or prevented than by opening speedy and easy communications throughout its parts. Good roads and canals will shorten distances, facilitate commerce and personal intercourse, and unite, by a still more intimate community of interests, the most remote quarters of the United States. No other large power of government can more efficiently tend to strengthen and perpetuate that union which secures external independence, domestic peace, and internal liberty."



In this short extract are compressed all the prominent arguments in favor of general expediency as the basis of federal authority in the construction of roads and canals, and it affords a fair exponent of the construction which that talented and popular administration gave to the constitutional powers of Congress over that branch of federal legislation.

The argument acquires additional strength from the fact, that the resolution upon which this report was founded limited in its terms the inquiry of the Secretary to such a scheme as was within the means, and came within the powers of Congress. It is true the Secretary ascribed to Congress greater powers, and gave to it more liberal grants, than would be necessary to contend for in defence of a measure like this, of conceded national utility ; but it leads to the origin of the high and unquestioned authority which so ably sustains the object of this report.

Neither the scheme nor the doctrine was permitted to expire with the termination of that administration. The execution of the first was suspended by the unhappy interruption of the friendly relations between this and the British Government, which was followed by actual hostilities ; but after these obstructions were removed, and peace and mutual harmony restored, the succeeding Executive, relying upon the soundness of the principle upon which it was founded, again introduced to the consideration of Congress (to use his own language) "the comprehensive scheme of roads and canals."

President Madison, in his annual message of the 3d of December, 1816, immediately on the restoration of peace, in enumerating the objects of general interest, says : "I particularly solicit the attention of Congress to the expediency of exercising their existing powers, and, when necessary, of resorting to the prescribed modes of enlarging them, in order to effectuate the comprehensive scheme of roads and canals, such as shall have the effect of drawing more closely together every part in the common stock of national prosperity."

It is manifest, from the phraseology of that message, the Executive had direct reference to the comprehensive scheme of roads and canals which had been projected under the preceding administration. This portion of the message was referred to a select committee, who made an enlightened, and it might be added, *patriotic* report, in which the great valley of the lakes was particularly adverted to as the grand theatre upon which the General Government was destined at no remote period to act a distinguished part in effectuating one of the proudest schemes of internal navigation the world ever beheld. With such high authority before them, the committee felt that they would be justified in recommending the construction of this canal upon the authority of general expediency, as it is undoubtedly an object coming clearly within that class of cases ; but, to clear it of all doubt, they have availed themselves of more recent decisions sanctioned by every branch of the Government, that give them metes and bounds of constitutional authority.

When the question of State rights, which had been settled by the famous resolutions of 1793, was re-opened by the introduction of a protective tariff, various and conflicting opinions obtained in different sections of the country in regard to the true limits of the powers conferred on Congress over the subject of internal improvements. Objects similar to those over which Congress had, by common consent, exercised undisturbed jurisdiction, and

on which it had expended vast sums of the public treasure, were now declared out of the pale of its authority.

The necessity which some of the statesmen discovered, of drawing closer than ever the cords of strict construction, in order to defeat the scheme of protection, obliterated or defaced all the ancient landmarks which had hitherto guided the Government in this branch of its duty, and wholly suspended the operation of a system from which the country had already begun to reap some of its richest fruits, and mistified every rule and principle in relation to that branch of federal legislation. The fearful shock which the constitution received from the violence of these political concussions, staked its whole safety upon the event of mutual compromise and concession. An eagerness was manifested on all sides to establish some fixed rules by which the rightful powers of Congress might be judged. At the commencement of the present administration, the present head of the Executive furnished, by way of opinions expressed to both branches of the Legislature, a constitutional vocabulary, which was supposed to be based upon the literal grants of the constitution; the terms which it embraced were intended to afford a criterion by which every individual case might be judged in deciding upon its constitutionality. Those opinions were contained in the annual message of the 7th of December, 1830; on examining which, it will be found that, so far as an object is designed for commercial purposes, it must have a connexion with the *foreign* commerce of the country. That this was the criterion which was attempted to be established in the message, is abundantly evident from the following short extracts.

After alluding to the uniform practice of the Government in defraying from the public treasure the expense of building light-houses, light-boats, buoys, beacons, and public piers, on all the bays and harbors, as objects connected with the revenue and foreign commerce, it adds:

“As our foreign commerce increased, and was extended into the interior of the country, by the establishment of ports of entry and delivery upon our navigable rivers, the sphere of their expenditures received a correspondent enlargement. Light-houses, beacons, buoys, public piers, and the removal of sand-bars, sawyers, and other partial or temporary impediments in the navigable rivers and harbors, which were embraced in the revenue districts from time to time established by law, were authorized upon the same principle, and the expense defrayed in the same manner.”

The same sentiment was expressed more in detail in the veto message of 1832, on the bill making appropriations for the construction of harbors and the improvement of rivers. From this bill the Executive had withheld his signature, for the reason that some of the objects were of a local character. In the message he mentions the classes of cases which he deemed national, and therefore constitutional:

1. Harbors on the seaboard.
2. Navigable rivers below a port of entry.
3. Harbors on navigable rivers and great navigable lakes.

In this classification, a paramount regard is had to the foreign commerce of the country, as ports of entry and delivery are made the ultimate limits to which the navigation of a river may be improved at the expense of the General Government. As the great chain of fresh water seas which separate the territorial possessions of Great Britain and the

United States are frontier waters, and are used as the common highway of both nations for military, naval, and commercial operations; and as upon these lakes and their connecting rivers (which are little less than straits) are constructed, at the expense of the General Government, harbors, custom-houses, ports of entry and delivery, it requires not the effort of argument to establish all the lake improvements as identical in principle with those on the seaboard—at least, in relation to their connexion with foreign commerce; nor can there be any plausible reason assigned why these short connecting rivers, at whose extremes are built, at the public expense, forts, harbors, ship yards, naval depots, ports of entry, and custom-houses, for the public defence and the public revenue, are not as much the objects of national regard as navigable rivers below ports of entry, straits, and bays, upon the Atlantic.

The ultimate utility of this canal is the next proposition which claims consideration, and the committee conceive that it may be established, from every aspect in which it can be presented. Its importance to the Government, in subserving the purposes of military operations both in peace and in war, is a point so universally conceded, that to detail all the uses to which it might be converted would indicate a doubt of its utility.

The Niagara river, around whose stupendous cataract the canal is proposed to be made, is thirty-six miles in length, twenty-seven of which are now navigable for ships of the largest class on the lakes; leaving but nine miles of obstructions in the whole length of the river. The length of the canal required, however, is only seven miles and a half in the shortest route proposed. The river, in its whole length, forms the boundary between the peninsula of Upper Canada and the State of New York. By the construction of the Niagara canal, an uninterrupted line of ship navigation is opened from Detroit to Ogdensburg; and when the Oswego and Hudson ship canal shall have been completed—an event which the vigorous exertions and unparalleled enterprise of the citizens of New York have rendered all but certain—the communication will be extended to the port of New York.

On the banks of the Niagara river, and in the neighborhood of these interesting scenes, were concentrated the military operations of both nations during the late war with Great Britain. At the mouth of the river, on the American side, stands the once impregnable Fort Niagara; on the other side, and opposite extreme of the river, stands the British Fort Erie; near the cataract lies the battle field of Lundy's lane; while, at the foot of the rapids, and opposite the point where the canal is intended to debouch, stand the memorable heights of Queenstown. This section of country formed the principal theatre of the war, and, although many other portions of the frontier were the scenes of brilliant achievements, the centre of action and accumulated strength was established here: here the contending armies, selected from the bravest troops in the world, contended for supremacy; and here, no doubt, in the event of another war, would be concentrated the greatest amount of force and military stores.

A ship communication on the American side, connecting the two lakes, would greatly facilitate and expedite the transportation of soldiers and munitions of war. The efficiency and strength which it would impart to the fleet upon the lakes, form an item of no inconsiderable importance in the estimation of its advantages. The convenience it would extend to the naval operations of the United States in concentrating, in a measure, the strength of both lakes at one point, in case of attack or defence, affords an

advantage of which the American fleet would have eagerly availed itself during the late war. The history of the naval operations on Lake Ontario during that contest, affords a striking proof of the vast importance of the proposed work in a military point of view; and it cannot be doubted, that if a communication between the lakes had then existed, by which the naval force of the United States upon the two lakes could have been concentrated on Lake Ontario, the skill, prowess, and valor of the American fleet would have been conspicuously displayed there, under the command of the gallant officer who was assigned to that important station.

Such a work is the more especially needed since the construction, by the Government of Upper Canada, of the Welland canal, through which ships of one hundred and twenty tons can pass; thus securing to it all the advantages contemplated from the construction of the Niagara canal. The important change which the system of national defence is about to experience, in the substitution of steam batteries and steam ships for the seacoast and lakes, and roads and canals for the land defence, will add greatly to the importance of a more extended system of lake improvements.

A report was submitted to both branches of the Legislature, at their last session, recommending, in a very clear and convincing argument, the expediency of discontinuing, in a measure, the unwieldy and extravagant system of defence by multiplying the number of forts, and of substituting therefor the cheaper and more expeditious mode of defending the country by a more enlarged system of internal navigation. The general efficiency which the use of roads and canals gives to a land force, by increasing the rapidity of movement, is one of the principal reasons assigned by the head of the War Department for recommending the change. Should such a substitution be realized, as is most confidently anticipated, it will form a new era in the military and commercial policy of this country, and especially as it regards the interior and lake frontier.

The extent of frontier, both maritime and inland, is too great to warrant the hope that the United States will ever be able to defend them by a system of fortification. To guard every point on our frontier with the guns of a regularly constructed fortification, would swell the military expenses of the Government to an inconceivable amount; besides that, it would require the constant service of more troops to man them than would be compatible with the pacific and wise policy of the Government. Such is the rapidity with which an army, with their munitions, can be transported along the Atlantic coast, under the present state of the system of internal navigation and intercourse, imperfect as it is, that it requires but one-fourth of the time to transfer an army from one point to another, upon the line of the seaboard, that it did in former times.

In the same report of the Secretary, it is strongly intimated that no further expense will be incurred in the construction or repairs of forts upon the lake frontier. This report has thus far received the sanction of the Government, and its recommendation acquiesced in. So far, then, as acquiescence is indicative of adoption, the system may be considered as having commenced, and the Government is therefore called upon to provide the substitute; and no project could better answer that end than the one under consideration.

A more able and detailed account of the numerous advantages which the Government would derive from the construction of this canal will be

found in the annexed report of the engineer (marked C) which has already been referred to. As this is from the pen of one skilled in the science of strategy, it will command more implicit confidence. The committee, therefore, beg leave to adopt it as a part of their report. But, besides the military and naval advantages to be secured to the General Government by the construction of this canal, the internal commerce of the country, the arts of peace, civilization, and the quiet and harmony of the Federal Union, are among its most prominent objects.

That internal commerce may flourish in a manner commensurate with the enterprise and intelligence of the age, it is requisite to establish a corresponding system of intercommunication. The important facilities which a well regulated system of internal navigation will afford to the various operations of domestic commerce, and of every species of industry, are too generally known at the present time to require the aid of argument or a labored illustration; still, in recommending a project of this magnitude, it will be expected that something will be urged in its defence.

Internal commerce, while it is the fruit of domestic industry, is at the same time one of its most efficient supporters. By it, the superabundant products of one climate or section of country may be exchanged for those of another, whereby the comforts and luxuries of one portion may be extended to and divided among all.

One of the first and most obvious advantages of a system of internal navigation is to be found in the advance in value of real estate. The value of real property is in the compound ratio of its productiveness and facilities to market. If an agricultural community has cultivated its lands to a state capable of supplying the home demands, the improvements of the actual products will become stationary, unless the district is made accessible to a foreign demand; when this is the case, cultivation may advance to an indefinite extent, until it arrives at its maximum of improvable, or the foreign demand is supplied.

It is a grand feature in the topography of the United States, that its territories are so extensive as to embrace almost every characteristic of climate, surface, soil, and natural productions. As yet, a small portion of its vast agricultural surface (a point in comparison to its extended area) has been brought to its highest state of cultivation. Until within a very few years, comparatively speaking, agriculture in the United States has been prosecuted as a means of subsistence, not as a source of luxury and wealth. It has been practised as an art—a mere occupation—and seldom studied as a science. This has been, in a great measure (probably wholly) owing to the want of a ready and profitable market, or convenient avenues for transportation.

Let the Government once traverse their vast inland agricultural regions by roads and canals, and an impulse is at once given to agricultural pursuits, and a value added by the motive which is created for advancing the productiveness of the land. In this case, one of the elements of value is increased by the introduction of the other; accessibility to market gives a spring to improvement in agriculture, and the latter gives value to the land. Not only is the value of land advanced, but every kind of produce, whether of raw or manufactured materials.

The history of the political economy and the improvements in England and America, for the last sixty years, furnishes an astounding proof of this

proposition. That the construction of artificial roads and canals is the only means of developing the entire wealth and energies of a nation, may be abundantly established by comparing England, as she now is, with what she was seventy years ago; and by contemplating, for a moment, the rapid and unparalleled advances which the United States has made in population, wealth, and every species of industry. The Hudson and Erie canal, in New York, and the Erie and Ohio canal, in Ohio, have done more to advance the population, wealth, and enterprise of the western States than all other causes combined; nor will it be doubted that they have been the efficient cause of not only increasing the value of the public lands, but of contributing to the unparalleled rapidity of sales. This result has been produced in two ways: by rendering the means of emigration cheap and convenient, and by opening a market for the exportation of produce.

It is the first duty of every nation, as well as for its interest, to afford its citizens, by every means in its power, the facilities for the acquisition of the conveniences of life, and even the means of acquiring wealth; for the wealth and happiness of every nation are but the aggregate wealth and happiness of its people: so that every measure which is calculated to promote the welfare and happiness of individual communities, a wise Government will be willing and ready to adopt. The intelligence, the enterprise, and the industry of the American people, and the success and permanence of their happy form of government, require the provision of every possible facility for domestic intercourse, and a liberal and extended system of intercommunication. The opportunity afforded by an efficient internal commerce, for a reciprocal interchange of interest, sympathy, and good offices, and the amalgamation of habits, purposes, and moral feeling among all and every class of its citizens, afford the greatest security to the harmony and constitution of the Federal Union, and the moral elevation of the character of the people. By such a policy, every State, and every portion of country or climate, is made productive, whether hill or vale, mountain or glen; all are made subservient to human comfort and enterprise. It opens new resources of individual and national wealth; by it, the granite mountains of the east may exchange their bulky products for the gold of the south; and the grazing summits of the north may exchange commodities with the cotton flats of the gulf; while the alluvial valleys of the lakes and the Mississippi can furnish all with their rich abundance of bread-stuffs; and the whole Union can appeal to the tops of its mountains for lumber, and to their bowels for ores.

There are vast regions of unimproved lands, even in the immediate neighborhood of the most populous cities, which are now considered unproductive and valueless; from which, if there were proper avenues of exportation, they would become inexhaustible treasures of wealth. The mighty chain of the Appalachian range, the Green mountains of Vermont, the snowy peaks of New Hampshire, and the lesser elevations of the Ozark, are all so many depositories of wealth: all abound, more or less, in minerals, marble, and granite; articles which will increase in value, according to their accessibility to market.

There is no project, of equal magnitude, that would produce equal results with the one under consideration. The region of country which immediately contributes to the commerce of the lakes and their tributaries, embraces an area of nearly 170,000 square miles. The face of the country, the quality of

the soil, and the character of the climate, are such as to render it capable of sustaining a population, agricultural and manufacturing, as dense as that of any other equal portion of the globe. While this area numbers less than two millions of inhabitants, by comparing it with equal and similar sections of Europe, or other parts of the globe, it is capable of sustaining a population of 25,000,000. With a surface that offers but few obstructions to the pursuits of agriculture, a climate temperate and healthy, and a soil fitted for the most abundant growth of every species of produce common to the climate, with an hydraulic power ample for the most improved state of its manufacturing interests, add to these its own internal avenues of intercommunication in its lakes, roads, creeks, and bays, and it needs nothing but an outlet to a more extensive natural navigation to make it an empire of itself.

Let it not be objected to the construction of this canal, that the Erie canal affords every facility for the exportation of all the surplus productions of this valley. In the present imperfect state of cultivation, that country furnishes nearly the quantum of produce which that canal is capable of admitting through its limited channel. It was stated in an official report of the commissioners of that canal, in 1834, that from the 20th of April to the 1st of September of that year, about 13,000 boats and floats passed Alexander's dock, west of Schenectady, which would make a lockage of every fifteen minutes, day and night, including Sundays; and that after the 1st of September to the close of the navigation, a boat had passed every twelve minutes. If, therefore, in the infancy of western commerce and western improvement, there is such a mighty rush of produce as almost to block up the passage, what may be expected in a more advanced stage?

Hitherto, the valley of these lakes, and indeed all the northwestern States, have improved and progressed in cultivation, only as the necessity for domestic comforts has propelled them forward; at least, such has been the fact until within the last ten years. Agriculture has been hurried and superficial, aiming to attain no higher office than a preservation of the natural productions of the soil; and the system of manufacturing can hardly be said to have had a beginning. Without any aid by means of extending the avenue of navigation to domestic commerce, within ten years, or less, if their growth in population and wealth increases and flourishes in the same simple ratio as it has for the last ten years, to say nothing of the rapidly swelling commerce of the single State of New York, the Erie canal will be wholly inadequate to the conveyance of this immense wealth.

It is unnecessary to indulge the eye of fancy in tracing the vista of future times, for the purpose of speculating upon the increase of population in the older States, from circumstances as yet undeveloped. If this were permitted, we might gratify the imagination with the most splendid results of new schemes and new developments of wealth and national grandeur, in those very regions where enterprise and the arts have for years appeared stationary. We should see that those States are at an immeasurable distance from their maximum density in population. It is sufficient for the present object to measure the immediate and magic growth in population and resources of that interesting country, with which this work is more directly connected.

It has been said that the country, comprising properly the valley of the lakes, contains an area of 170,000 square miles. By a comparative view,

it is found to contain 50,000 square miles more than all the British possessions in Europe, while its population is 22,000,000 less. Of the 24,000,000 English, Irish, Scotch, Manks, and natives of her other islands, two-thirds are said to be engaged in manufactures and commerce, leaving 9,000,000 to till the earth.

It is but reasonable to compute the number of like inhabitants which this valley might sustain, after deducting the water surface, at 8,000,000—the least estimate, admitting the increase in productions to equal that of population—and it gives the amount of four times the quantity of raw material for exportation. In the year 1832, the European island of Britain exported the enormous sum of \$304,000,000 of raw material and fabrics, of which \$260,000,000 were of domestic manufactures, making all allowance for the superior advantages of British commerce and manufactures over interior America, from their Atlantic frontier, and her greater accessibility to her continental consumers, and we might set the amount of domestic articles of export of this valley at the sum of \$170,000,000 that might be produced, if every facility of navigation were afforded. It is manifest that this enormous amount of domestic produce must require greater facilities for exportation than can be afforded by the canals and rail-roads already in existence, or any that could be constructed on their present limited scale.

The above estimates and calculations have been confined to that section of the United States which may be denominated the *valley proper* of the lakes. But this is but a portion, perhaps the smaller, of the immense territory of country which owes tribute to its commerce. When every section of country which, by natural and artificial communication, is now and must eventually be interested in its commerce, not incidentally but directly, is included, they will swell the area already stated to 290,000 square miles—an area equalling that of France and the island of Great Britain, which, together, sustain a population of upwards of 50,000,000.

The communication already effected between the Ohio river and Lake Erie, by the Ohio canal, and the one in successful progress of completion between the same lake and the navigable waters of the Wabash, as, also, the one commenced to connect Lake Michigan with the Mississippi, through the Illinois, will open to the commerce of the lakes the extensive alluvial regions of the Ohio, Missouri, and Mississippi, and, by the last mentioned river, the cotton and sugar plantations of the southern States, and the rich mines of the upper Mississippi. In short, there is no section of the Union that is not directly interested in the commerce of these internal seas; and a cursory view of the geography of this vast expanse of interior America must convince every reflecting mind of the primary importance of a ship communication from the lakes to the ocean, not only for the exportation of the agricultural productions of the country, but to develop the new and untold resources that have not yet caught the vigilant eye of the American operator.

It is to the extensive system of internal communication, so wisely planned and faithfully supported, that Great Britain is indebted for her unparalleled prosperity and unrivalled system of home industry. Notwithstanding the greater island of Britain, comprised in an area of 81,000 square miles, is surrounded on every side by the broad expanse of the Atlantic, indented with bays and harbors, and intersected by numerous natural avenues of internal navigation, she has already constructed 1,500 miles of canals, and 400



miles of rail-roads. By these natural and artificial means, she has rendered accessible, both to her foreign and domestic commerce, all her agricultural and manufacturing districts, as well as all the important localities of her rich and valuable mines, rocks, and earths, all of which contribute their share to the industry and wealth of the country. In this consists, mainly, the wisdom of her policy. There is nothing a Government can do, that can so readily and effectually develop the entire wealth of a country, natural and artificial, as creating and supporting a liberal scheme of internal improvement. A great portion of the northwestern States are underlaid with rich mineral ores and, perhaps, earths, which, from their bulk and weight, cannot be brought into market; they must, therefore, be unproductive until facilities are afforded for exportation. When this shall be done, much employment will be provided for the American operator, and an incalculable amount added to the capital and wealth of the nation. Surely, such considerations and motives should stimulate to greater efficiency in the scheme of internal improvements. Were it permitted here to indulge in the language of prophecy, it would require no stretch of fancy to summon to the ports of Oswego, Lewiston, Buffalo, Cleaveland, Detroit, and Chicago, at no distant period, the ships of foreign nations laden with the rich products of Asia and Europe.

Let the Government establish a system of navigation commensurate with the growing importance of the lake commerce, and what might now appear the fabrications of fancy, would, and must, soon prove a sublime reality. That Great Britain does not consider this a mere vision, may be gathered from her gigantic scheme of navigation already projected, and nearly completed, which will give her a ship navigation from the Gulf of St. Lawrence to the mouth of the Thames, in the upper province. The Canadians have already constructed the Welland canal, which completes a ship navigation from Malden to Kingston; and the Rideau canal, which connects the Ontario with the Ottawa river; and they have now under contemplation, and will certainly complete, the entire communication with the impregnable city of Quebec.

The Canadians have not unimproved the favorable opportunities which peace and plenty have afforded them to prepare for war; nor have they failed to avail them selves of every means, physical and moral, so to improve their own navigation as to intercept, in a measure, the commerce of the western States, and draw it into their own ports of Montreal and Quebec. For a more minute and able account of the Canadian improvements and commerce, reference may be had to the annexed document (marked C). The construction of this canal is a matter of especial interest to the commerce of the western and northwestern States, in the actual saving of expense of transportation.

Both theory and experiment have long since established the fact, that, in canal navigation, the expense of transportation is in the inverse ratio of the capacity of the vessel in which the commodity is transported. It is a matter of economy, therefore, in the construction of canals, to give them that width and depth which will enable them to float the largest vessels the nature of the case will admit. A statistical account of the comparative cost of transporting merchandise from Syracuse to Detroit, by the way of Oswego and the Welland canal, and by the way of the canal through Buffalo, is sufficient to establish the truth of this proposition. In transporting goods

from New York to Detroit, the Oswego route cuts off nearly two hundred miles of the Erie canal route, and substitutes the lake vessels for the canal boat.

During the year 1835 about 25,000 tons of merchandise were shipped for the west from the city of New York, which passed through the ports of Buffalo and Oswego; of this amount, 20,000 tons passed Buffalo, and 5,000 tons Oswego. An estimate is made by a gentleman who furnished the information as follows: "Suppose the whole to have passed either port, it is ascertained that the different rates, charged from the different ports, would have left the result in favor of the port of Oswego, as copied from that report, as follows:

Freight of 25,000 tons via Buffalo	-	-	-	-	\$600,000
Freight of do via Oswego	-	-	-	-	335,000
Amount saved by the Oswego route	-	-	-	-	265,000

in the transportation of merchandise from New York to Cleaveland, Ohio, in one year."

The contemplated dimensions of this splendid work are thus set forth by Captain Williams:

"The project under consideration contemplates a ship or steamboat canal: and we assume, for dimensions of locks and breadth of canal, proportions to render the work a means of transportation for the largest class of steamboats or sail vessels navigating, or that may navigate, Lakes Erie and Ontario.

"We assume, for the length of lock, two hundred feet, breadth fifty feet, the width of canal one hundred and ten feet at the surface of the water, and depth ten feet. The locks will have a lift varying with circumstances, and generally not exceeding ten feet. It is obvious that the waters to supply the exigencies of lockage, &c. will be drawn from the Niagara river; the plane of the bottom of canal at its summit-level intersecting it at ten feet below its minimum elevation."

The cost of construction will vary from two million to four million dollars, according to the location and manner of extending the works; this, however, is but a small sum compared with the importance of the work: it would save to the western States annually, on the transportation of merchandise alone, more than half its cost, and the benefits resulting from the increased value of public and private lands would be immense. In the manner of constructing this canal, the committee have adopted the plan recommended by the Honorable John C. Calhoun while Secretary of War, leaving its execution to the War Department, under the direction of the President. Upon this subject, Mr. Calhoun uses the following language: "Should Congress think proper to commence a system of roads and canals for the more complete defence of the United States, the disbursements of the sums appropriated for this purpose might be made by the Department of War, under the direction of the President. Where incorporated companies are already formed, or the road commenced under the superintendence of a State, it would be, perhaps, advisable to direct a subscription on the part of the United States, on such terms and conditions as might be thought proper. In other cases, and where the army cannot be made to execute it, the work ought to be done by contract, under the superinten-

dence and inspection of officers of the engineer corps, to be detailed for that purpose."

In all the considerations and motives which have occurred to the committee, some of which they have attempted briefly to set forth, they have felt a hearty concurrence in the frequent recommendations of this project, and would, therefore, respectfully ask leave to report a bill.

A.

WAR DEPARTMENT, April 14, 1836.

SIR: I transmit, herewith, a report of the Topographical Bureau, prepared in obedience to a resolution of the House of Representatives of the 18th ultimo, calling for information respecting the construction of a ship canal, to connect the waters of Lake Erie and Lake Ontario.

Very respectfully, your most obedient servant,

LEWIS CASS.

Hon. JAMES K. POLK,

*Speaker of the House of Representatives.*

TOPOGRAPHICAL BUREAU,  
Washington, April 13, 1836.

SIR: I have the honor to submit, herewith, a copy of the report, plan, and estimates for the construction of a ship canal, to connect the waters of Lake Erie and Lake Ontario, made during the year 1835, under the direction of Captain W. G. Williams, United States topographical engineer, and called for by a resolution of the House of Representatives of the 3d of February last.

I am, very respectfully, sir, your obedient servant,

JOHN J. ABERT,  
*Lieut. Col. Top. Engineers.*

Hon. LEWIS CASS,

*Secretary of War.*

*Report of a survey around the falls of Niagara, with a view to the construction of a ship canal, made during the year 1835, under the direction of Captain W. G. Williams, of the United States topographical engineers.*

WASHINGTON, March 17, 1836.

Lieut. Col. J. J. ABERT,

*United States Topographical Engineer :*

SIR: By the letter from the Topographical Bureau, under date of the 14th of April, 1835, I was ordered to repair to Utica, in the State of New York, and advise with the Honorable Mr. Beardsley, on the subject of a projected ship canal around the falls of Niagara; for a survey of which application had been made to the department by certain gentlemen of influence in the State of New York.

My instructions require that my maps and report, relating to a survey on Delaware river, should previously be submitted to the bureau; this accomplished, I repaired to Utica, and presented myself to Mr. Beardsley, who referred me to the honorable Judge Turrill, of Oswego, for information in regard to the project contemplated. From Oswego, I was accompanied by the latter gentleman and Mr. McWhorter, also of that place, to Lewiston, where arrangements in regard to the expenditures incidental to the survey were concluded.

Lieutenants Drayton and Reed having reported to me, according to instructions, with the instruments necessary to accomplish the objects of the survey, I immediately commenced operations; the details of which, with results, and all that relate thereto, are embraced in the following report:

In order that the mind may be more prepared to comprehend, at a glance, the various details in regard to several lines of survey therein referred to, I think it proper to premise a cursory topographical sketch of the vicinity in which our operations were conducted.

### *Topographical sketch.*

The section of country to which the project of the Niagara ship canal relates, is perhaps the most interesting on the American continent, whether we consider its geological formation, the incidents of a frontier war, still fresh in the memory of every American, or its peculiar and magnificent characteristic, the cataract, whose fame has reached the uttermost bounds of the civilized world.

The great waters of our northwestern possessions, covering an area of 150,000 square miles, bounded by a development of coast, belonging to the United States, of 3,294 miles, and of the British colonial possessions, of 2,425 miles, are at length discharged through the narrow channel of the Niagara. It is from the head of this river, at the outlet of Lake Erie to its termination on Lake Ontario, that the question of an artificial navigation arises, and forms the subject of the present report; and, if only to achieve a conquest over the mightiest of nature's works involves a sentiment of sublimity, the feeling will not be impaired by the reflection that the conquest may be easily wrought; and, when achieved, shall be the means of extending civilization, and promoting the social happiness of a large proportion of our country.

Indeed, it cannot fail to excite astonishment, when the reflection is once led to the subject, that, up to this epoch of an age resplendent with improvements in all that relates to the melioration of commerce and the advancement of civilization, this work, upon our own soil, and on a scale commensurate with its importance, should still remain to be executed. It needs not the aid of demonstration to prove its utility. It is one of those objects that strike us with instinctive conviction, and we are intuitively impelled to the belief of its comprehensive usefulness, even if abstraction be made of every thing but the general position; that it would connect two bodies of water, leading to the most remote regions, and capable of bearing upon their deep and expansive bosoms the navies of the world, in five seas, which are yet essentially separated, by reference to the scale of commercial enterprise that legitimately belongs to such a vast extent of geographical limit.

The Niagara river flows out of Lake Erie, in a direction nearly north.

and separates in its whole course the United States from the Canadian provinces. It is about three-fourths of a mile wide, at its outlet; between which and Black Rock there are rapids having a current for a short distance of seven miles an hour. The river widens below Black Rock, and continues of an average width of one mile, until it reaches the great falls. The river embraces several islands, in its course, the principal of which is Grand island; the rapids commence about one mile above the falls, in which distance is a descent of about fifty-two feet. The great falls are divided by Goat island, and another small island intermediate to this and the American shore. The perpendicular descent is 164 feet on the Canada side, and a few feet more on the American; but the great mass of water passes over the Horse-shoe falls on the Canada side. It has been estimated by Dr. Dwight, that the volume of water descending at this point amounts to 90,000,000 tons per hour.

The development of the curve formed by the edge of the precipice is estimated between three-fourths of a mile and one mile. The distance from the outlet of Lake Erie to the great falls is about twenty-two miles. From this point to Lewiston, about seven miles, the river rushes through a chasm in the Lewiston ridge, whose edges are about 350 feet above the surface of the water; the fall in this distance is about  $103\frac{1}{2}$  feet, and thence to Lake Ontario two feet. Just above Lewiston the high ground suddenly ceases, and a descent of 216 feet occurs in a horizontal distance of 1,000 feet, measured on the projection of the line of greatest acclivity to the ridge. This brings us to the plateau of land on which the village is situated; hence a gradual slope characterizes the ground to the edge of Lake Ontario, about six miles, comprising a fall of  $121\frac{1}{2}$  feet. The features of topography on the opposite side of the Niagara are very similar, from the crest of the mountain at Queenstown heights to the lake.

The ridge appears to have been formerly continuous, and to have formed the southern edge of Lake Ontario, from which the waters have, at distant intervals, receded. This is shown by three distinct berms, generally parallel to the shores of the lake, but which eventually converge towards the Niagara river, between Lewiston and Fort Niagara.

It is evident, also, from the conformation of ground both at the falls and about Lewiston, that the waters of the upper lakes first burst their barriers at this point, and have since receded by degrees, breaking off large fragments from the edge of the precipice over which they have fallen. Even within the memory of man, it is asserted that a sensible difference exists in its configuration; and the fall of the Table Rock in the years 1818 and 1828, may be regarded as an illustration of the process by which this change is being gradually effected. If we may be allowed to speculate on the changes of a remote future, we may imagine prospective eyes to witness a gradual recession of the cataract towards the lake; the crest over which it falls assuming a lower plane, until it eventually sinks to, and becomes an element of, a general slope, over which the great volume of the upper lakes shall flow. The waters of Lake Erie would recede from their existing limits, and their intermediate future outlines would be only indicated by successive berms converging towards the outlet of the Niagara. This convergency of the several berms to the Niagara river, on the southern shore of Ontario, is, I think, a conclusive evidence that this lake once occupied a higher level, and at different periods has occupied different elevations. In tracing these changes, we are insensibly led to the conclusion,

from analogous reasoning, that the levels of the whole chain of lakes will eventually and successively change; that the St. Lawrence river may, in remote ages, have possessed a peculiarity similar to that which characterizes the Niagara; and that a point of time may exist in the vista of futurity when the strait between Erie and Huron, and finally between Huron and Superior, may boast a like phenomenon. In a word, that this will, at length, be worn away by the irresistible waters, and Superior find its way over one continuous and inclined plane to the broad bosom of the Atlantic. At the outlet of the Niagara, at the northeast extremity of Lake Erie, is situated Buffalo. This city, which a few years since might have been regarded as an insignificant village, has now become the principal emporium of the northwestern lakes, and cannot fail to retain its ascendancy over any other point upon the lake. Here the Hudson and Erie canal, which has been the source of its prosperity, has its outlet. The growth of Buffalo is an illustration of the advantages of this project, that every comprehension may realize. When we see a flourishing and refined community spring suddenly from the wilderness, we are made sensible, without reference to statistical records, of the amelioration that must be operating in a vast extent of country dependant upon it. It is a monument to art and commerce, that eloquently speaks of extended social happiness, of fields reclaimed from the desert, of industry and talent usefully employed, and of a thousand undefinable benefits to the human race.

The Hudson and Erie canal is conducted from Buffalo, along the margin of the Niagara river, to its intersection with the Tonawanda creek, a little above its mouth, the creek being raised to the necessary level by means of a dam. The channel of the Tonawanda is made use of during a distance of eleven miles to Pendleton village; thence to Lockport, about seven miles, the canal passes through deep cutting. At Lockport a fall of sixty feet occurs, which is overcome by five double consecutive locks to the long level; from this point it proceeds in an easterly direction to Troy and Albany, where it debouches into the Hudson river. From Lockport, the line upon which a portion of our survey was conducted diverges northwardly to its termination at the mouth of Eighteen Mile creek.

The great descent at Lockport is occasioned by the Lewiston ridge, which intersects the canal at this point. This steep declivity runs from the Niagara river, above Lewiston, to Lockport, without any intermediate depression worthy of notice. It continues its course thence, in a direction nearly parallel to the lake.

The ridge, as it becomes more remote from the Niagara river, generally becomes more elevated, to the limits to which my survey extended. The whole of this district of country is based upon nearly horizontal strata of lime and sand stone alternating; this exhibits itself most conspicuously in the chasm through which the Niagara flows: although it must be remarked, that localities exhibit discrepancies in regard to this rule, and that on the line of canal from Lockport, west, there is some slight inclination of the strata beneath the horizontal. The first proposition, however, holds as a general geological feature. The slope below the ridge, down to the lakes, appears to consist of an alluvial formation, with a substratum of sand and lime stone. From the foot of the combined locks, at Lockport, to the mouth of the Eighteen Mile creek, which has its rise at this point, the ground is very uneven: at first a considerable descent takes place through

a precipitous gorge for about two miles ; thence, a valley with low banks on either side for about five miles and a half ; the intermediate distance between this and the mouth of the creek would be a work of considerable difficulty, as there is a rocky bar which circumscribes the outlet. From this point to the mouth of Niagara river, is eighteen miles ; from which circumstance the creek derives its name.

From Fort Niagara, at the east side of the outlet of Niagara river into the lake, to the head of navigation, is about  $7\frac{1}{2}$  miles ; the banks of the river in this distance are high and precipitous. The river, from Lewiston to its outlet into the lake, has a rapid current, but is accessible to every description of vessels navigating the lakes. This description comprises the area to which my report will refer. In its agricultural properties, it partakes of the character of this section of the country generally, possessing a rich alluvinous soil, favorable to the growth of wheat and every product to which the climate is congenial ; but there is one point of view in which this district offers advantages in a peculiar degree—namely, its manufacturing facilities. By way of illustration, we may regard the lake as being dammed by the Lewiston ridge, presenting a head of water of three hundred and twenty feet. This may be made available at almost any point of the ridge, and along the margin of the Niagara river, at a comparatively inconsiderable expense, by reference to the hydraulic power it would afford. My views in this respect will be further elucidated in the course of my report. I now proceed to details immediately referring to the plans and estimates of our survey.

### *Plan of canal.*

The project under consideration contemplates a ship or steamboat canal ; and we assume, for dimensions of locks and breadth of canal, proportions to render the work a means of transportation for the larger class of steamboats or sail vessels navigating, or that may navigate, Lakes Erie and Ontario.

We assume for the length of lock two hundred feet, breadth fifty feet, the width of canal one hundred and ten feet at the surface of the water, and depth ten feet. The locks will have a lift varying with circumstances, and generally not exceeding ten feet. It is obvious that the waters to supply the exigencies of lockage, &c., will be drawn from the Niagara river ; the plane of the bottom of canal at its summit-level intersecting it at ten feet below its minimum elevation.

My plan principally refers to a system of double locks to make the descent at Lewiston ridge ; but an estimate for single locks for that object is embraced in my report. Map No. 2 will exhibit, on a horizontal scale of thirty-six inches to one mile, the descent by double locks, comprising an artificial harbor at Lewiston.

From the harbor to the outlet of canal on Niagara river, two modifications are shown on the map : one terminating at the steamboat wharf, and the other at the ferry. Their expense may be regarded in a general estimate as nearly alike.

The line A B, debouching at a lower point of the river, although of greater development, would more generally be approved of, as avoiding an ascent against the current, for ascending vessels, of eleven hundred yards.

I have roughly estimated also the cost of a plan to descend the ridge by

single locks, having an intermediate basin between each lock. It is found to be more expensive than the descent by double locks, by reference to their respective properties of speedy transit. This arises from the great cost of the outer or sustaining wall, and the advantage to economy of diminishing the length of line in its application to the side slope of the mountain; as this must be obvious, I have not introduced the estimate into my report.

In regard to the route of the contemplated canal, there have been different opinions; and several have been designated, having at least as much reference to local interest as to the general advantage of the project. Above the rest, and such as appear deserving of notice, are:

A line beginning at Porter's store-house, near old Fort Schlosser, passing by Fort Grey, descending the ridge at that point, and debouching at Lewiston: this is the shortest line surveyed.

A line beginning as above, passing by Manchester village, and intersecting the preceding line: this has least deep cutting.

A line up the valley of Gill creek, descending the ridge through a depression at the head of Fish creek, and terminating on Lake Ontario, at the mouth of Mill creek: this location possesses advantages of a military character, by reference to the contiguity of the shore of a foreign power.

#### *Local modifications of the above lines.*

A line ascending the Cayuga creek, crossing the Lewiston ridge near Pekin, and debouching at the mouth of Twelve Mile creek.

A line debouching at the mouth of Tonnewanta creek, ascending the same to Pendleton village, descending at Lockport into Eighteen Mile creek, and keeping the valley to its mouth.

For the present, however, we shall confine ourselves to the investigation of the project by its shortest route, and eventually compare it with others to be hereafter referred to.

#### *General description of route line No. 1.*

Beginning at a point on the Niagara river denominated Porter's store-house, and near old Fort Schlosser, the line of levels crosses Gill creek at a distance of half a mile above its mouth, and is carried nearly in a straight line to the head of Bloody run; the ground over which they pass, after the first mile, is generally swampy, although somewhat elevated; and for the first four miles, as determined by careful borings, no rock worthy of mention will occur, excepting a small portion at Gill creek; the soil is, however, by no means easy of excavation, being, as illustrated by the profiles in some parts of a tenacious character; the ground is swampy, covered with a heavy growth of timber, and will require draining.

From this point, the valley of Bloody run is pursued to within a short distance of the point where the run falls over the precipice into the Niagara river, at a small distance from the chasm known as the Devil's hole, three and a half miles below the great falls.

The levels now pass over unequal ground, but slightly elevated, however, until they reach the brow of the Lewiston ridge. This portion of the line was run very near the precipitous brink of the Niagara river, and only involves a prism of rock cutting of inconsiderable depth.

Until we arrive at Fort Grey, no obstacle of importance intervenes; in-



deed, none but the most commonplace circumstances of canal construction present themselves. It is from this point to the debouch of the project into the Niagara river that difficulties of a serious character may be apprehended.

From the brow of the ridge the lines of level were carried obliquely to the line of greatest acclivity of the ascent, falling in such proportion to the measured horizontal distance, as to render them conformable to the projected dimensions of the locks and basins, with the required lift for each lock. These data furnish the means of projecting a flight of double consecutive locks to the foot of the ridge, or a line of single locks, with intermediate basins; involving in either case a descent of 319½ feet from the bottom of the canal at Fort Grey to the corresponding surface at its intersection, ten feet below the surface in Niagara river.

As the slope of the mountain may, in a general view, be regarded as uniform, and under an angle too great to admit of the location of the locks on a line approximating to that of greatest acclivity, it would be necessary, by means of excavation and embankment, to prepare a berm for their reception.

Our supposition involves a heavy mass of side cutting, so as to establish the exterior walls of the locks upon a well consolidated foundation; by this means the whole section of the locks and basins would possess a homogeneous basis, and have their stability insured.

This excavation comprehends the space to be occupied by the sustaining and interior walls; and in case the double locks should have their similar surfaces in the same horizontal plane, the breadth of their dividing walls would be comprised in the section.

In estimating the width of the berm necessary to the emplacement of the locks, we must regard as elements the strength and solidity or thickness necessary to their walls, to prevent lateral slides, or their overthrow by the pressure of water against them from within; and the space necessary to the working of the locks, which must of course occupy the upper surface of the walls. Precautions must be observed, to destroy the possibility of a thread of water from leakage or filtration, wearing itself a passage beneath the locks, throughout portions of the descent, and thereby acquiring sufficient head to act upon the foundations. In a system of consecutive locks of such extent as that before us, this principle of hydrostatics should be well considered.

Too much care cannot be observed in establishing the permanence and solidity of the work, and every applicable element of knowledge, theoretical as well as practical, must be brought to bear upon the subject, previously to a final adjustment of the plans.

In regard to experience, the realm of practical science does not exhibit a similar construction, and its light will therefore be but partially displayed. To compensate for this deficiency, abstract and general propositions of physical research must be carefully investigated, in reference to such modifications as may be involved, differing from those of works of a similar character already constructed.

This is a remark, it is true, that may be applied to every new project in some degree, but its emphasis is peculiar in regard to the one in question: in ordinary cases, great masses of water find their way to lower levels, by gradual descent; and the plans of the engineer to surmount such obstacles have followed them up and vanquished them in detail. But at Niagara,

Nature has concentrated her powers, and by one stupendous effort has seemed to bid defiance to the art of man. The records of science do not exhibit an instance in which so great a fall is overcome in so small a distance, not even in a degree that will admit of comparison, much less when it is a question of a project which, in the grandeur of its proportions, has no example.

It may be regarded as a national monument of art, from its general usefulness to the country; and although no pains be taken to render the project magnificent, in its very simplicity it will be so, and in congeniality with the stupendous obstacle it is intended to subdue.

Its effect will be grand and imposing in a vastly greater degree than in other, even more expensive, works; because it differs from them generally in possessing a concentration of human art, human industry, and physical means, applied to a single point.

As the line of levels descends to the foot of the ridge, it gradually winds round until its horizontal projection becomes nearly parallel to its location at the beginning of the descent.

In order to obtain the direction which leads it to the most favorable point of debouch on the Niagara river, for the present modification of our project I have planned a basin allowing sufficient room for the largest vessel admissible to the locks to turn and assume its change of course. At this point the flight of locks would terminate in an extensive artificial harbor, comprising an area of about 114 acres, and elevated 120 feet above the level of the Niagara river; it will be formed between the ridge on which the principal street of Lewiston is situated and the main ridge, possessing a mean depth of fourteen feet. The embankment necessary to back the water would be very inconsiderable.

It is an element forming a very important feature in our project, and would have the advantage of serving as a part of the canal, obviate a mass of expensive construction, and at the same time afford very essential accommodation to trade; indeed, a basin of this kind would be almost necessary, by reference to the very contracted space which can be made available for the purpose of commercial transactions in the vicinity of the debouch, in connexion with the precipitous banks of the river, and the violence of the current; moreover, the prism of water drawn from this reservoir, to supply the descent of the locks to the termination of the project, would be scarcely perceptible. This would render the descent from the harbor to the outlet independent, for its immediate exigencies, of the supply of water to be drawn through the upper flight of locks from the summit-level of the project.

At both extremities of the line above described, there is a navigable passage for vessels drawing even more than ten feet water into the lakes, namely, from Porter's store-house into Lake Erie, and from Lewiston to Lake Ontario.

To confirm the assurance of this fact, I ordered a reconnoissance between Schlosser's and the outlet to Lake Erie. Numerous soundings were taken by Lieutenant Drayton, from whose report I find there is no depth in the channel less than fourteen feet.

It is a matter of notoriety that there is water at the outlet of Niagara into Lake Ontario for vessels of any ordinary capacity. It was therefore deemed unnecessary to carry the investigation to that point.

On the whole extent of this route may be procured fine building mate-

rials for the locks, of every description: limestone is found in abundance, and hydraulic cement may be procured at a low rate.

These facts being premised, I proceed to the estimative details.

*Line No. 1.—See map and profile.*

For the purpose of draining the canal when necessary for repairing it, and because there is a rise and fall, dependant upon winds and seasons, in the Niagara river, a guard and regulating lock at the outlet of the canal is deemed expedient. Our observations during the time the survey was executing only detected a difference of level of five inches. By information, however, obtained on the ground, it appears to be considerably greater; and, according to the statement of Mr. Geddes, an engineer well acquainted with the topographical facts connected with this section of the country, it varies to the amount of three feet, rising during the prevalence of certain violent winds, but seldom being depressed below the ordinary surface. Our levels refer to the lowest observed plane of its surface, at a time when the level is stated to have been at a minimum.

The lock walls, therefore, must be elevated four feet above the minimum level of the river. They will have a thickness of four feet at top, and eight feet at the base. The dividing wall of lock will have a thickness of twelve feet. The estimate is as follows:

6,150.8 cubic yards of masonry for side walls, bottom of lock,	
&c., at 5.5	\$33,829 40
For mitre sills, hollow quoins, at 14.2	8,657 00
Lock gates, with incidental work	1,500 00
200 running feet of walling in river, 444 cubic yards, at 2.5	1,110 00
Coffer-dam, to protect the foundation of the lock	6,666 00
Contingencies	5,176 24
<b>Total</b>	<b>\$56,938 64</b>

The plan to which this estimate refers is an element common to all the experimental lines diverging from Porter's store-house, and will be carried into the expenses of each. It embraces the idea of double locks, with such additional work as may contribute to a reasonable accommodation to trade. At a termination of this kind, many expensive additions may be suggested, not absolutely necessary to the primary object of the undertaking.

**B.**

*Comparison of routes.*

The annexed summary of cost, applied to its respective experimental location, in connexion with the statement in regard to distances, enables the mind to form, at a glance, the comparison between them, by reference to these elements. But in order that a judicious selection may be made, other considerations necessarily become involved in the question; and these, in a great measure, furnish the medium through which their properties are to be adjudged.

As a commercial scheme exclusively, with the most rigorous economy as the governing principle, even to the prejudice of convenience of trade, and barely to effect the object of connexion between the lakes, for a large class of vessels, the first plan referred to in the annexed statement, would, of course, be adopted.

If this scheme, however, involved the idea of an expenditure proportionate to the character of the enterprise, and importance of the results that may be justly ascribed to it, we would, without hesitation, recommend the second, namely: the descent by double locks; for it is evident, that in the first proposition, a great delay would frequently occur in the passage of vessels; an evil that would accumulate with the increase of trade, and result eventually in the necessity of constructing another independent flight of locks. This, by a comparison of estimates, is shown to be inexpedient.

But when the question passes beyond the limit of commercial operations merely, and enters the sphere of political expediency, new considerations are involved, tending, very generally, to embarrass a decision. It was this reflection that induced me to survey the line No. 2, as I have already explained, in presenting the estimate of its expense. In doing so, moreover, I, perhaps, have said all that is necessary, in regard to its advantage over the preceding line, No. 1, and its modification.

In discussing the merits of the modification to line No. 2, the question is resolved into the following proposition: whether it be desirable to expend an additional million of dollars, as a measure of precaution, to enable the work to reach a point E, (map No. 1,) whence it could easily be conducted, in case it should be deemed advisable, to the lower lake, and be, in its whole development, without the pale of annoyance from an enemy. It is for those who should determine to execute the work to judge of this expediency.

We would call the attention, however, to the character of permanence and durability that must belong to such a project, and suggest that the future interests of the country are to be, in a measure, dependant upon it, and that it would prove a humiliating and grievous reflection to after-times, should the work be suddenly neutralized in its advantages, at the very moment when its facilities ought to be most sensibly useful to the nation.

To develop all the considerations involved in this comparison would exact more time than I am permitted to devote to it. It is sufficient to show, that a route possessing the property of security from insult is practicable, and at a reasonable cost to the nation.

But the comparison between the Lockport route, and the one I have just alluded to, may be referred to the common standard of military expediency.

It is seen, by reference to the foregoing statement of costs and lengths of location, that the route by line No. 2 has the advantage, in point of economy, to the amount of \$296,743 over that by Lockport. We see, likewise, by reference to this statement, and the respective maps accompanying my report, that it possesses the advantage of being a shorter and less embarrassed line of communication.

Its supposed advantages have been predicated upon the belief that it offered a more retired line of communication from foreign aggression; and this is a maxim that ought not to be overlooked: but in the present instance it admits of modification, owing to the peculiar features of topography

characterizing the vicinity, to this portion of the line of contact of the two countries.

By reference to the map, it will be seen that from Porter's store-house to the end of line No. 2, on Lake Ontario, our shores are precipitous, and offer a difficult barrier in any part to the landing of a hostile force; and that with the precaution growing out, as it were, of the project, should it be executed, as explained in the accompanying memoir, the line would be rendered inaccessible.

We are impressed with the belief that we should avail ourselves of the topography of the frontier, and regarding the Niagara river, from Porter's store-house to Lake Ontario as a natural entrenchment, concentrate our resources there, as furnishing the strongest accessorial advantages to resist invasion, and at the same time enable us promptly to assume the attitude of aggression under auspicious circumstances, and to the achievement of the most important results.

By retiring the line, we abandon, in a measure, our strong ground of resistance, and throw it from beneath the shelter of our military establishment, already constructed at the mouth of the Niagara river, by which the debouch of line No. 2 would be sustained.

It is seen, also, in comparing the two routes, that one portion of navigation would be common between them, namely, that between Lake Erie and the mouth of Tonnewanta creek; and this portion is unquestionably the most accessible part of the line to a hostile descent from the opposite shore.

In addition to these considerations, the project of line No. 2 supposes an excellent harbor at its termination on Lake Ontario, while that projected at the mouth of the Eighteen Mile creek is comparatively inefficient; observing, at the same time, that the rocky bar circumscribing its mouth must ever prove an obstacle to its improvement.

Moreover, the contiguity of the inlet of the Niagara river to the mouth of Four Mile creek, our projected termination, is a great desideratum, as vessels in stress of weather may run, without apprehension, for the harbor there, in the assurance that, in case of difficulty to effect an entrance, they will be at least in the vicinity of a harbor of easy access, where they may take refuge until more seasonable weather.

It must be noticed, in regard to this subject, that any artificial harbor on this shore of the lake would be difficult of access in very heavy storms, owing to the danger of concussion against the sides of the piers; an inconvenience I have often noticed at the celebrated artificial harbor of Ramsgate, in Kent, England.

Superadded to the objections already stated, in regard to the route by Lockport, there is one important circumstance in the inconvenience and delay that the navigation on the present Erie canal would be subjected to, and we think that the loss sustained by it would scarcely be compensated by the diminution in the expense of our estimate, by the deduction we have made, in the assumption that the excavation for our present project would be diminished by the amount of that already executed for the Erie canal.

In the supposition of an entire new location, the estimate would, of course, be greatly augmented, and the difference of cost in favor of line No. 2 proportionably increased.

It is to be noticed in the line No. 2, that a portion of its development has a diminished breadth. This advantage, for the economy of excavation,

could not be adopted on the Lockport route. In the first case, business would be divided between the two canals; but in the other, it would necessarily be concentrated, and embarrass the operations of trade, unless it should possess a breadth equal to that we have projected.

In order to fully prepare the undertaking for the contingency of a rupture with our Canada neighbors, it would be necessary to pass the rapids of Black Rock, by a short cut and a few feet of lockage on the American shore. As the channel of the Niagara river is, in this part, on the Canada side, this modification applies, equally, to either route compared, and may remain as an item for future consideration, the expense being regarded as inconsiderable.

A plan, indeed, has occurred to me by which the whole of this accessible portion between Buffalo and the mouth of Tonawanta creek might be somewhat more retired and more easily protected. The expense of this work would be, of course, somewhat greater. Let the canal commence at Buffalo, and carry the level of the lake, as nearly as may be admissible, along the valley of the Niagara river, as far retired from its margin as the nature of the topography will permit, to the mouth of Gill creek, ascending the valley of this stream to the head of Fish creek, as per line No. 2, and thence descending to Lake Ontario. By this means we save a very considerable prism of rock excavation, and thus compensate, in some measure, for the greater length of the canal. This prism would be proportionate to the elevation that Lake Erie may possess over the level of Niagara river, at our point of beginning, near Porter's store-house.

The plans, maps, and profiles, accompanying the present report, are as follows:

General topographical map, Lewiston line—No. 1.

Plan of location for descent of ridge, artificial harbor, and section of lock—No. 2.

General topographical map, Lockport line—No. 3.

Map of harbor at mouth of Eighteen Mile creek—No. 4.

Profile line, No. 1.

Profile line, No. 2.

Profile line, No. 3.

Profile line, No. 4.

Profile line, No. 5.

These comprise all the various data obtained in the course of our examination; and will, I hope, when collated with my report, satisfactorily illustrate the subject under consideration.

In the course of my duty I have been assisted in the field, and in the various incidental calculations connected with the survey, by Lieutenant T. F. Drayton, and Lieutenant J. G. Reed, United States army; and I do not regard it as an empty form to express to them, through the bureau, my acknowledgments for the very assiduous and efficient attention they have bestowed upon every minutia of duty intrusted to them.

Lieutenant E. B. White, United States artillery, and Mr. G. W. Featherstonhaugh, jr., United States civil engineers, have likewise assisted, very essentially, in the drawings and calculations that have been involved during the progress of my report—having been attached to my brigade since the close of our field duties.

Of the preceding lines, we will assume the five following as the best

625  
27

basis on which to institute a comparison by reference to their fitness for the proposed project.

Cost.

Line No. 1.—Shortest route from Porter's store-house to steamboat wharf, or ferry, at Lewiston, by single locks	\$2,568,899 36
Do. by double locks	3,610,596 21
Line No. 2.—From Porter's store-house, by Gill creek and Four Mile creek, terminating on Lake Ontario	\$4,616,423 47
Modification of line No. 2, as above, and terminating at Lewiston, passing through artificial harbor	\$4,744,982 88
Line No. 5.—By Eighteen Mile creek, Lockport, and Tonnewanta creek	\$5,041,725 48

Lengths of lines Nos. 1, 2, 3, and 4, together with their "modifications," included between Porter's store-house and Lewiston, and Porter's store-house and mouth of Four Mile creek.

Miles. Feet.

Line No. 1.—From Porter's store-house to Queenstown ferry, by way of Bloody run, Devil's hole, and Fort Grey, descending mountain by double and consecutive locks	7	4,040
Line No. 1.—From Porter's store to "steamboat wharf," at Lewiston, descending mountain by single locks	8	3,660
Line No. 1.—From Porter's store-house to "Queenstown ferry," at Lewiston, descending mountain by single locks, principally	8	3,180
Line No. 4.—From Porter's store-house, by "New Manchester," to steamboat wharf, at Lewiston, following the valley of Fisk creek, and descending mountain through depression at Miller's sulphur spring	9	5,230
Line No. 3.—From Porter's store-house, by New Manchester, to steamboat wharf, at Lewiston, descending the mountain at Fort George	10	2,400
Line No. 3.—From Porter's store-house, by same route, but terminating at Lewiston, at Queenstown ferry	10	1,920
Line No. 2.—From Porter's store-house to mouth of Four Mile creek, following the valleys of Gill and Four Mile creeks, and descending mountain through depression at Miller's sulphur spring	14	5,000
Modification of line No. 2, by diverging at C, at foot of second berm, and following it westwardly to D, where it debouches into artificial harbor		5,120

## C.

*Military and Commercial Memoir.*

In regard to general considerations involved in the project of the canal around the falls of Niagara, those relating to military defences are first, in a national point of view ; scarcely less prominent, however, are those which relate to the amelioration of commercial relations between the highly productive regions of the upper lakes and the northeastern States.

Regarding it as a national military work, without adverting to the precise location of the canal, (which, by reference to the routes we have surveyed, would be matter for the locating engineer, as directed by the views of the National Government,) its advantages would be to give celerity to the movement of forces, munitions of war, shipping—in a word, the *material* of an army between the two lakes, Erie and Ontario ; which, in case of war with Great Britain, would doubtless become the scene of active operations.

The efficiency imparted to military force, derived from the power of concentrating, is a principle in strategy too well understood to need illustration. In its application to our subject, we realize its value in a conspicuous manner.

It is almost certain that, in the event of hostilities between the United States and Great Britain, the naval warfare on the lakes would be extensively assisted, or, perhaps, entirely conducted, by vessels propelled by steam. In such case, their light draught of water would enable them to pass from one lake to the other with such dimensions of canal as have been projected.

This is a desideratum to which every mind must be sensible ; it would impart mobility to our force, and enable us oftentimes to secure the fruits of a victory, or suddenly to repair the disasters of defeat.

By this facility, the invasion of our territory, on either lake, might be prevented, with all the concomitant, desolating effects of war. A thousand modifications of circumstances might be adduced, to show defeat and disaster to our arms as the result of the want of means of co-operation between our naval forces on the lakes ; but I regard it as sufficient to lead the attention to this department of the subject, without occupying time with details, which must be obvious to every intelligence.

Neither ought our Government to flatter itself that the British and Canadian Government are insensible to the advantages to be derived, in such an event, from interior communication. The former has already constructed a steamboat canal, ostensibly for military purposes, from Montreal to Kingston, and one, for commercial and military purposes, from Lake Ontario to Lake Erie.

The advantages to be derived to the British, in case of hostility, from these facilities, would be incalculable ; and a commensurate caution is called for on our side, to counteract their tendency. Under the administration of the Duke of Wellington, a chain of communication, by steamboat canals, was opened from Montreal to Kingston, a distance of 246 miles. These consist of, La Chine, Carrillon, Blondeau, and Grenville canals ; but the project, to which these are only accessory, is the Rideau canal, extending from Bytown to Kingston, 126 miles, which alone has cost the British Government the sum of six millions of dollars, and boasts of some of the



finest construction in the department of civil engineering existent in any country. Yet this is only a part of the project; and a line of military works is contemplated to secure it against aggression, and render it an efficient channel of communication in the event of war with the United States.

The works on the Rideau canal were constructed under the direction of Colonel By, of the royal engineers, assisted by officers of the same corps. It remains under surveillance of the engineer department, and officers of engineers are stationed at Bytown and Kingston, and immediately, for that object. The military works at Quebec are proceeding to completion, at great expense, and the garrisons at various points of their frontier are by no means neglected. These facts are not irrelevant, as demonstrating that the British Government, although in time of profound peace, regard the military position of the colony with marked solicitude.

In sections of our country having no immediate relations with the Canadas, nor interest in the changes that are operating there, the generality of persons refer to the lessons of their boyhood as the sources of information, and they regard it as a bleak, sterile, unpopulated country, and a burden to the parental Government which sustains it. This, to a certain extent, was true but a few years ago; but the scene has changed materially, and a reference to statistic records will show that a very small portion of our own country can boast of a more rapid amelioration than has taken place in regard to the Canadian provinces.

In 1834, by an official statement it appears that the population of Upper Canada had doubled within eight years; that it is of a peculiarly valuable character; and that the development of agricultural and commercial resources has been commensurate.

A few facts will corroborate the truth of the remark. It is stated, upon good authority, that of late years the annual emigration to Canada from England, Ireland, and Scotland, amounts to from fifty to sixty thousand souls; and a cursory visit to that country will exhibit to us, most strikingly, the advantageous difference in character of that emigration, and the one which is received in our Atlantic cities from the same source; and the cause is obvious. The industrious mechanic, the laborious pains-taking farmer, who, as the reward of their efforts, have enjoyed competency and comfort at home, when moved by the spirit of enterprise, do not wish to sever themselves entirely from those institutions under which they have derived those advantages; whilst the idle and improvident desire nothing so much as a change from a state of things under which they have suffered want and penury, and to which they, for the most part, unjustly attribute their ill fortune.

To this is to be added the great difficulty thrown in the way of the best class of emigration to this country by the British Government, with the facilities afforded to its establishment in the provinces.

It became my duty, under instructions from those to whom I was referred by the department for my guidance during my operations of the last summer, to make myself, by personal observation, acquainted with the advance of improvement in this section of the continent.

Under these auspices, I was induced to diverge somewhat from the beaten track of visitors to the Canadas, and have verified, and can attest the truth of the foregoing observations; but their full illustration would be necessarily founded upon details in their relation incompatible with the

general nature of my report, but which, in their sum, have made a sensible and well defined impression upon my mind.

As belonging immediately to my profession, however, I cannot help indulging in a comment upon some of the works of civil construction on the Rideau canal. At Bytown, Jones's falls, and Kingston mills, are certainly some of the finest specimens of hydraulic architecture on the continent of America. At Bytown are eight consecutive locks, seven of 10, and one of 11 feet lift, 133 feet long and 33 broad: there, as well as the locks at Kingston mills, are worthy of the highest admiration. But it is at Jones's falls that the most remarkable work is achieved. It consists of a dam 62 feet in height, and 400 long, in solid masonry, and among the most perfect in existence; a waste wier cut through a solid rock, and a descent of 60 feet by three consecutive locks, and a fourth with an intermediate basin. The dimensions of the locks are as those above stated, with the extraordinary lift of 15 feet; yet, under the head of water consequent upon such a plan, there is scarcely the appearance of a leak, and the masonry is of the most finished and beautiful character.

I take this opportunity to express myself indebted to the frank and liberal politeness of the British officers generally, during my visit to the Canadas.

I have to thank Captain Bolton, of the royal engineers, not only for his elegant hospitality, but for the facilities he afforded me for observing many valuable modifications relating to my profession, and taking, in regard to the details of locks, &c., such memoranda and drawings as were suggested by many portions of this truly magnificent work of civil construction.

I have, perhaps, employed more emphasis than was necessary in regard to this subject; but I feel assured the work is scarcely known throughout the United States, otherwise than by name, even to professional engineers, and much less to the community generally; to whom, in reference to the subject in hand, I cannot but think it must prove interesting.

Resuming our discussion, let us now suppose a population of the kind to which I have referred, established, as it ultimately will be, in the extensive region comprised between the same parallels of latitude as Maine, New Hampshire, Massachusetts, and the southern boundary of New York, and lying between Lake Superior on the west, and St. Lawrence river on the east, with Lakes Huron, Erie, and Ontario on the south, possessing a climate attempered by the genial influence of surrounding inland seas, and we shall be made sensible, at once, of its imposing attitude, in every relation, to awaken a national solicitude.

But limiting our view, it will be sufficient for our immediate object to concentrate our reflections upon the region in the neighborhood of the St. Lawrence, and the peninsula of Upper Canada, stretching itself far into the territory of the United States. It is this section which will, in a few years, according to the present ratio, contend with any of our most flourishing States, both in population and resources, that we have just cause to regard with a jealous eye.

By the enterprise of the Canadians, a rail-road is contemplated to connect Lake Huron with Lake Ontario. This project being carried into execution, (as it certainly will be,) it becomes the great portage between the upper lakes and Lake Ontario, and will have an immediate influence in concentrating population, and developing the resources of this valuable territory.

When we contemplate the maps of this region, and notice the peninsula of Upper Canada jutting into our country, and reflect that, independently

of its local advantages, with those of soil, climate, and population, it possesses a retired and guarded line of communication, issuing from the impregnable fortress of Quebec, in the hands of so great a military power as Great Britain, we should not be insensible to such precautions as are calculated to increase the security of our frontier, whilst subserving in an eminent degree the cause of commerce, agriculture, and civil industry.

We are not so illusory as to interpose the Niagara canal as an *ægis* against the growing power to which we have alluded; but it should be regarded as one important measure, as concentrating population, by opening the facilities of collateral avenues, by rendering available the immense hydraulic advantages of which this point is susceptible, and by thus giving strength to this exposed frontier.

Were the National Government to purchase a site for armories, and establish foundries there, it would become the nucleus of a powerful manufacturing interest, and concentrate a population which, in time of war, would be ever ready to arm in defence of its threshold, and become the most efficient guaranty against aggression.

It must not be imagined that its contiguity to the frontier would render it unsafe for such object; for, supposing it to receive the attention from Government that it deserves, in a military aspect it may be regarded as one of the strongest defensible positions on our frontier.

On the west it is entirely inaccessible, by means of the rushing waters and precipitous banks of the Niagara river. To attack from the south, the enemy would be obliged to cross a considerable distance above the falls, and descend the river on the American side, through a densely settled section of country: his line of operations would therefore be attenuated, and eventually intercepted. On the east, in the supposition that the canal be constructed, its gorge would be unassailable by the interposition of a body of water of one hundred and ten feet wide, and ten deep, which would be rendered impassable by the resistance opposed, or at least produce a delay that would be incompatible with the nature of an enterprise requiring for success the greatest celerity.

The Lewiston ridge offers a barrier on the south side, which, with a little attention, might be rendered inaccessible. The Fort Niagara, within so short a distance of the only point where a landing could be effected on the Niagara river from the opposite shore, would be a sufficient preventive to an incursion from this quarter.

A landing for such object could only be effected by the want of precaution on our side, under cover of night, and by a small number. The enterprise would certainly be cut off by a detachment from the garrison, with which this position would stand in military relation, both offensive and defensive; aided, also, by armed parties of the inhabitants, inspired by patriotism, and rendered vigilant by a sense of insecurity from the proximity of the enemy.

In the execution of the project also to which I refer, this manufacturing district would become the terminus of avenues leading to every part of the State. Thus, an enemy of the force we refer to, once upon the high ground above the Lewiston ridge, and he would be assailed from every point with a promptitude that would render success to his enterprise, nay, an escape, impossible. With great deference, we advance the opinion that a liberal policy would regard such a project as of the greatest national importance, as calculated to increase the strength of this at present assailable frontier,

by augmenting its population and resources, and by providing it with arms and all the materials for defence.

The shield of national protection would be thus interposed, with a paternal care, to shelter the inhabitants of this section from the calamities incidental to their position in time of war.

But a more enlarged view may be taken in regard to the proposed project—a view in which I cannot but think the country at large, stimulated by a sense of national pride, must take a deep interest.

In the event of a war, it is apparent, from the increasing resources of Upper Canada, and the policy by which Great Britain appears to be actuated, that the most energetic efforts would be made upon the frontier; and it would be question of invasion from one side or the other, conducted upon an extensive scale. Should we not become the aggressors, it is almost obvious that the enemy would soon place himself in the attitude to become so.

A true policy, founded upon established principles, dictates that we should prepare for the contingency under any circumstances; but the more imperiously in the present instance, where the object may be effected with inconsiderable expenditure in ostensible military preparation, and without giving the slightest ground of complaint to a nation with whom we are at peace.

By the arts of peace, and for purposes of great commercial utility, we may prepare this section of the country to become, in case of emergency, a depot of inestimable value to the whole of our northwestern frontier.

From this *point d'appui*, in the event of invasion from our side, troops and munitions of war could afford ready reinforcements to lines of operation, diverging, as they would do, from this point of contact of the hostile territories. Under the influence of its strength and its contiguous resources, the passage of the Niagara river could be commanded, both at the head and foot of navigation, below and above the falls.

In the circumstances under which Canada was placed last war, it was undoubtedly the plan to have cut the enemy's line of operations on the St. Lawrence; as Canada would then have fallen into our hands for want of resources within herself.

But the face of things has changed in regard to that country, as already explained, and she would henceforward possess internal resources of no ordinary capacity. Moreover, to cut off the enemy's line of communication, which would be operated by the Rideau canal, and sustained by defensive works, would require a more extended line of operation on our part, greatly calculated to weaken our position in that quarter.

We should, therefore, be obliged to turn our attention to the invasion of Upper Canada; and, with this object in view, such a point as the one to which we refer would become a principle of energy. It would give consistency to our project of campaign, by reducing our lines of operation to their minimum; inspire confidence in the militia, by the idea of the proximity of a place of support; and enable us to improve good fortune, or recover from the effects of bad; in a word, it would enable us not only to achieve victories, but render them valuable in their results.

With such resources at hand, we should be enabled to effect that greatest of desiderata, to carry the war into the enemy's country; whilst our own soil and firesides upon this frontier should be guaranteed from the horrors of invasion.

In contemplating a state of things such as this hypothesis is founded upon, I do not think my views can be deemed visionary, however tranquil may appear the horizon in this quarter at the present moment. Indeed, all history teems with the assurance that war is a state of things inseparable from the nature of man, springing from causes so light in their incipency as to baffle the speculations or the predictions of the most profound political wisdom in assigning results to the diplomatic intercourse of nations.

But, waiving the idea of collision with the Canadas, it may be shown that the site referred to possesses many peculiar advantages as a manufacturing depot, to suit the most general emergencies; and the existing posture of affairs with a powerful maritime nation may possibly give some weight to the propositions I am about to advance.

The stupendous peculiarity of its hydraulic advantages needs no comment. I will not attempt to demonstrate what may be regarded as a proverb: it is unquestionable that a greater water power, and that too in its application to practical purposes, can there be commanded than at any other point on the surface of the globe.

It is the advantages of its local position, in conjunction with its other attributes, that I shall endeavor to illustrate. For, let us suppose a hostile fleet blockading our eastern and southern coast, and the communication on the seaboard entirely cut off between them—a case which obviously might occur—and then turn our reflections to the unprotected state of our Gulf coast, its present destitution of the materials necessary to its defence, and the aid it would always require in the exigency of war from the northern States, and the policy, even necessity, of its possessing some great military depot in secure and sheltered relation becomes impressively obvious.

The district of which it is a portion stands in bold relief, by reference both to its central position and the properties required.

If the attention be turned towards the map of the United States, with this object in view, the mind will be struck with its peculiar advantages.

The Hudson and Erie canal passes its threshold; New York is, therefore, at hand. The Susquehannah, with its outstretched arms, approaches it nearly; Philadelphia and Baltimore, the Delaware and Chesapeake, are, therefore, its neighbors. The St. Lawrence, and the avenues to Lake Champlain, and thence the branches of canal through the eastern States, form a continuous navigation. The vast empire of water of the great lakes is spread before it; but, above all, in the sense we at present regard it, New Orleans and our southern coast, through the great valley of the Mississippi and the canals either projected or already executed, stand in a relation to it that we think should render it a locality of peculiar national interest, and highly entitled to a portion of that public expenditure which belongs to a general system of precautionary and defensive measures.

By means of the Niagara ship canal, the Oswego ship canal, projected, and those above referred to, a secure, capacious, and expeditious medium of transit, by steam navigation, is opened between the chief cities of our eastern coast, and the vast unprotected territory of our southern maritime frontier.

We will now advert to the commercial advantages to be diffused by the project, so far as they are of a nature, by their generality, to call for the aid of the National Government. We regard, as paramount, the connexion of the Lakes Superior, Michigan, Huron, and Erie, with the Lake Ontario,

which, by their extent and depth, may be, severally, regarded as inland seas, and which belong not to any particular State, so far as they are within our boundary, but to the entire jurisdiction of the United States.

The rendering maritime several thousand miles of lake coast, by opening to it the only obstruction to direct commerce with the Atlantic, through the channel of the St. Lawrence, secured in equal participation by treaty to the United States; to render the coast of the United States, upon our upper lakes, in immediate commercial relation with a foreign nation bordering the lower lake and the St. Lawrence, and with our own coast on the lower lake; placing in immediate commercial relation the United States coast of the upper lakes with the great commercial depot of New York, through the medium of the Oswego and Hudson ship canal, to be executed by the State of New York, with the extraordinary dimensions given to the St. Lawrence canal, now executing, in conjunction with the projected Niagara canal, ships of three hundred tons might navigate from the Atlantic ocean to the ports on our upper lakes.

We may assume, even, that a large class of merchant ships, by a construction modified as in some mercantile nations of Europe, might be adapted to this trade.

In discussing the subject of draught in vessels, when we regard the elements which enter in assigning the burden to any particular draught, we are not struck with any difficulty in the question theoretically, inasmuch as it is determined generally by the length multiplied into the breadth into the depth, either of which factors may be changed at will; and we may, therefore, build a very flat vessel to carry a very large cargo, by increasing two of the elements, length and breadth, and yet diminishing the third. As our plan of canal, and length of locks, admit of considerable latitude in regard to the two former dimensions, no obstacle may be supposed to the adoption of a construction of vessels that shall be calculated to carry a cargo of a magnitude within any desirable limit.

But I felt desirous of knowing whether the ordinary relative draught was not prescribed by the consideration of practical benefits, and whether circumstances of sailing or general manageableness, did not, in some measure, militate against a change of model; and I therefore requested information through the medium of a gentleman whose official character gave him an opportunity of procuring the data required. The following letter addressed to the Hon. J. Turrill, from a source of undoubted respectability, establishes the proposition I have advanced:

NEW YORK, *March 10, 1836.*

MY DEAR SIR: On conferring with those who are eminently skilful in the scientific, as well as those who confessedly are in the practical branches of ship building, I have gathered the following particulars, in reply to the queries of our mutual friend, McWhorter, addressed to me on the subject, with reference to the projected ship canal.

It is not necessary, in order to insure great sailing, to give a ship a great deal of dead rise, but the contrary; as may be exemplified in simultaneously launching two ships of equal dimensions, say same length, width, and depth, one with 23 inches dead rise and short floor, and the other with 14 inches with a long floor. The sharp ship will draw about three feet more than the flat one, and will require considerably more ballast; so that when

all their armament, stores, water, &c. are on board, you will perceive that the sharp vessel is drawing about four feet more water than the flat one ; hence it is reasonable to infer, that the ship with the least dead rise will displace less water than the other. Mr. Webb (the associate of the late Mr. Blackford) assures me that a frigate of the largest class can be so constructed as to have all the qualities that can well be united in one ship, and be put in a condition for transporting, &c., and not to exceed a draught of twelve feet. Flat and sharp vessels may, in fact, be thus contrasted ; what the one may gain by being sharp, the other acquires by extra buoyancy, losing something in going to windward by the *peculiar* turn in the bilge. The word *peculiar* I may explain by saying that great sailing may be attained by giving half an inch dead rise to every foot in width ; but ships built upon this mode must have the middle futtocks crooked with an abrupt turn in the bilge, straight sides ; and the thinner the ends in proportion to the draught of water, the greater the speed ; and they are sure, from the abrupt turn in the bilge, to go to windward well, and also to steer well.

Pray inform me if the foregoing particulars are sufficiently to the point, to meet the object of your inquiries, or what other or further illustrations you require ; and I will, as far as my time and my means of obtaining them admit, most cheerfully respond thereto.

Remaining, dear sir,

Yours, faithfully,

JOSEPH FOWLER.

The innovation to which our supposition refers need not excite surprise, when we reflect that it would accomplish the object of accommodating a development of coast, such as we have stated, and possessing a back country as rich in resources as any on the face of the globe. The advantages of direct communication appear more striking when we reflect upon the great increase of expense in transportation, arising from the necessity of transshipment of the objects of trade at various points of the route.

It is stated in a report of the board of directors of the Welland canal, 1835, that "merchandise from London would be conveyed to Cleaveland for £2 10s. per ton, which now costs from £3 to £4 from Montreal to Prescott, a distance of 130 miles only." This, when the St. Lawrence shall be rendered navigable by the work now constructing.

Other statements are before me, entering greatly into detail, and exhibiting still more strikingly the advantages of preserving the bulk of merchandise unbroken, from the time of its shipment until its arrival at its ultimate destination.

These are considerations involving an amelioration to commerce, by its extent and utility, worthy the patronage of a paternal Government. The Niagara ship canal is a work that in its consummation would awaken into life a thousand springs of latent resource, by the facilities it would give to the transportation of objects of agricultural and manufacturing industry ; and referring to the broad principle of analogy for our support, we infer that a country, such as that which borders our upper lakes, teeming with undeveloped agricultural and mineral treasure, when brought by the facilities of steam navigation within a greatly diminished distance, by reference to time, of the emporium of New York, and other of our great mercantile cities, will receive an increment to its population, and develop its re-

sources in a degree commensurate with the great avenues of commerce to which we refer, and surpassing all former experience.

We have practical demonstration of the increase of population, and the consequent development of resources, in the region of the upper lakes, owing to the facilities afforded by the Erie canal, that through the State of Pennsylvania, the Mississippi river, and the various other collateral branches.

But it should be remembered, that this tide of emigration is yet incipient; it has scarcely received its impulse; whilst the avenues that encouraged the emigrant by their facilities, are arriving at their maximum of utility, in consequence of the increase of commerce upon them.

It is true that a new channel is opening to these fertile regions—the outlet of the St. Lawrence. The improvements to which I have already referred in my report, namely, the Welland and St. Lawrence canals, will offer a ready means of bringing their products to a market; but the emporium they will reach will be that of a foreign nation. Montreal will enter into competition with our own markets.

It is no longer question of preventing the descent of produce from the upper lakes to Lake Ontario. The Welland canal, executed by the Canadians, has already achieved that object, and it has proven the fallacy of the reasoning, that “produce, once afloat on Lake Ontario, will find its way to Montreal.”

It is only when the increasing amount of trade shall become more than commensurate with the facilities afforded to deliver it at the emporium of New York, or other of our eastern cities, that rivalry is to be apprehended. This has been abundantly demonstrated; for, although an entire navigation exists from Lake Ontario, by means of the Rideau, Grenville, and La Chine canals, yet does by far the greater portion of the produce of the upper lakes and shores of Lake Ontario find its way through the Oswego and Erie canals to New York.

The Oswego and Erie canals, in their present state, contend successfully against the competition of the St. Lawrence. But new facilities are preparing by Canadian enterprise, and the St. Lawrence canal will bring the market of Montreal nearer to the source of produce by several days, without the necessity of intermediate transshipment; thereby effecting a considerable diminution of the cost of transportation. How far this circumstance will deteriorate the value of our own channels of commerce, is worthy of deep consideration.

For the sources of produce it is of course desirable to possess many outlets. But it seems clear that the policy of the State of New York would find it expedient to anticipate the demand for market-way; for when its necessity shall have taught the inhabitants on the borders of the upper lakes the facilities of the St. Lawrence canal, it would be difficult, if its advantages are such as are in anticipation ascribed to it, to divert the tendency of produce from Montreal.

The Hudson and Oswego ship canal is a work particularly interesting to the city and State of New York, and the State will eventually, or perhaps immediately, recognise it as the true line of communication, in conjunction with the projected Niagara canal, between New York and the northwestern States.

The simple fact that it saves a distance of artificial navigation of 120 miles, and only increases the absolute distance by 15 miles, and a few feet



of lockage, is a sufficient element to establish its great relative economy; and this hypothesis is sustained by experience: for it appears by official returns, that there is a saving of expense on the amount of goods transported between New York and Cleveland, of upwards of 30 per cent. by this route over that by Buffalo, even under the present inauspicious circumstance of a defective channel of communication around the falls of Niagara, through the Welland canal.

It should be remarked that this work is defective, both in its location and construction; not arising, I infer, from want of judgment in the engineers, but from the desire to complete a great project with inadequate means. In its present situation, constant delays are to be apprehended in the passage of vessels; and to render it an efficient thoroughfare, would involve a very serious expenditure of money—an expense that would continually recur, unless the whole plan of the work should be remodelled.

In its present state, if the Niagara canal on our side should merely be determined on, the great efforts now making by the Canadians to give to the Welland canal a greater degree of efficiency would probably be rendered unavailing, and it would eventually sink into disuse.

This effect obviously resolves itself into a consideration of great importance, and suggests the expediency of an immediate action in regard to the measures herein recommended.

The next commercial benefit to be derived from the Niagara canal is that which relates to the northeastern portion of our country, by the Ogdensburg canal, and by the St. Lawrence and Plattsburg canal, which have been already projected, and which would doubtlessly be executed in the event to which we refer; the produce of our far west would be conducted to the waters of Lake Champlain, and thence by the projected La Motte canal, Montpelier canal, Passumpsic canal, &c., to every section of New England; and, in return, a most economical outlet would be presented for the active manufacturing and productive industry of that enterprising portion of our country.

It would be impossible, without rendering our report too voluminous, to enter into detail in regard to the various ramifications of commercial enterprise, that would, in all probability, receive an impulse, should it become an object of national interest to remove the barrier in an efficient manner between Lakes Erie and Ontario, improve the harbors upon their extensive coasts, effect the communication between Lake Michigan and the Illinois river—in a word, by its paternal influence, constitute the national waters of our northern lakes a common market-way to the various States bordering upon them, or enjoying their influence in a less immediate degree.

In order to avoid enumeration of details, I have appended to the accompanying map of the survey a general map of the States to which my report has reference, showing the various canals projected or executed. It will exhibit at a glance the relative dependance of many of them for increased success upon the removal of the obstruction to navigation between the two lakes, Erie and Ontario; it will likewise illustrate certain passages of my report referring to the provinces of Upper and Lower Canada.

The various topographical data in regard to the lakes, are marked upon the map. A comparative estimate is also noted of the development of coast bordering these inland seas, and that of our Atlantic and southern coast. By this it appears that the length of the lake coast exceeds the whole ex-

tent of that of the Atlantic, from Passamaquoddy bay to Sabine river, by two thousand miles.

Of this development of lake coast, the portion on Lake Ontario will be united to the ocean by a ship canal on the St. Lawrence, to which I have already referred.

The remaining portion is separated, in regard to steamboats and ships of moderate burden, by the obstruction on the Niagara river, to which my report refers.

The territory that would be sensibly benefitted, under the hypothesis of this removal by the plan proposed, would be, principally, New York, Ohio, Michigan, a portion of Pennsylvania, Virginia, Indiana, Illinois, Kentucky, Missouri, and even, remotely, the Northwestern Territory. Moreover, the sphere of commercial transit upon the great channel of the Mississippi will, by the facilities of this project, be greatly enlarged. A steamboat navigation from New York to New Orleans would open a new era in the destinies of the southwestern States of our confederacy. We cannot, I think, refer with too much emphasis to the projected ship canal between Lake Michigan and the Mississippi, by the Des Plaines and the Illinois rivers.

The project is ably treated in a letter from the United States Chief Engineer, in answer to a call for information from a member of the United States Legislature upon that subject. The distance between New York and New Orleans by this route, and that by sea, around Cape Florida, as deduced from Tanner's map of the United States, is nearly the same; but when we reflect upon the dangerous navigation, and the increased distance by the divergency of the ship from her proper course, arising from adverse winds, which, by reference to the going and return voyage, must be estimated at one-fourth, we must be forcibly struck with the advantages that the combined project would afford to the commercial intercourse between New York and the great emporium of the south, and the idea it suggests of healthful action to the commercial and agricultural relations of the intermediate points.

The distance we have carefully measured, on the map, between New York and New Orleans, by way of Oswego, Niagara, Maumee, and Wabash canal, and it amounts to two thousand and eighty-five; whilst the distance around the Florida coast is two thousand two hundred and fifty; leaving a balance in favor of the lake route of one hundred and sixty-five miles.

Another branch of my report relates to the advantages to be derived to the General Government by the facilities given to emigration, and bringing, in respect to time, a remote and unpeopled frontier in closer contiguity with more densely inhabited and civilized regions; thereby enhancing the value of the public domains, and procuring for them a more ready and advantageous sale.

This consideration is of more importance than might appear from first glance. When we reflect that the economy of a journey depends, in so great a degree, upon its continuity and despatch, delays at points of a route, where conveyances are changed, obliging the emigrant to incur the expensive charges of cities or towns, are a barrier to emigration; because the expenses of the whole route cannot be calculated previously to departure, and a consequent apprehension is inspired to many of the poorer classes, who eventually exhaust their resources in the cities where they debark, and, by compulsion of poverty, remain there; thus, instead of becoming a val-

uable accession, by their labors, to the thinly populated territory of the west, they oftentimes become a burden and expense to the community which has the misfortune to receive them. The project in question, with the Oswego and Hudson canals, would afford a cheap, continuous, and rapid mode of transportation, by steam, from New York to the remote public domains of our upper lakes.

In conjunction with the St. Lawrence canal, Montreal and Quebec would stand in a similar relation; and those great recipients of European emigration would send forth, with renewed impulse, their thousands, to render many a tract of wilderness the abodes of industry, social happiness, and refinement.

A consideration of very great importance, and of a character calling for an amelioration, is that which relates to the shipping interests of the lakes, under existing circumstances. The vessels navigating the lakes are, during the rigors of winter, blocked in their harbors by the ice; by this means, a large amount of capital, invested in shipping, employed on the lakes, is neutralized for several months of the year. A deterioration of property, proportionate thereto, ensues; and the deprivation of employment of a valuable class of citizens, in the seamen by whom they are navigated. This would be remedied by the proposed project, in conjunction with the Oswego and Hudson canals, or even independently of the latter, by the project of a steamboat canal, now executing on the St. Lawrence river, under the auspices of the Canadian Government. Should the Niagara ship canal be constructed, the shipping interest of the upper lakes would participate in this advantage.

This remark applies, with equal propriety, to Government vessels that, in any contingency, may be built and employed upon the lakes, when the service upon which they might have been required there shall cease.

They could, by the means we suggest, be lightened of their armament, and brought down to our eastern seaboard for other employment. The full force of this suggestion would have been felt at the expiration of the last war with Great Britain, when our naval preparations upon the lakes became entirely useless, and a dead loss to the nation.

I have now completed a cursory review of such general considerations as have appeared to merit, in my estimation, the notice of Government. In this, I have endeavored to avoid minutiae, foreseeing that they would render my report both fatiguing and voluminous. My desire has been rather to call attention to the various points upon which an argument might be based, than to take upon myself the task of development.

I have also felt, in the course of my remarks, that too much detail would but embarrass the natural course of thought, and that the subject itself, if brought to the reflection, would carry conviction in its train. If I have shown more interest in the question than is usually looked for at the hands of the engineer, it is that I have felt the strongest conviction of the grandeur, even sublimity, of the enterprise, combined with its general usefulness to the country, and the facility of its execution.

I have now the honor to submit the present memoir, with the various plans, maps, profiles, and other illustrations, connected with the survey.

I am, sir, most respectfully, your obedient servant.

W. G. WILLIAMS,  
*Captain U. S. Top. Engineers.*

Mr. HARD, from the Committee on Roads and Canals, reported the following bill :

A BILL to provide for the construction of the Niagara ship canal.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the sum of five hundred thousand dollars be, and the same is hereby, appropriated out of any moneys in the treasury not otherwise appropriated, to be expended under the direction of the Secretary of War, towards the construction of a ship canal, to connect the navigable waters of the Lakes Erie and Ontario, on the plan recommended in the report of W. G. Williams, communicated under the order of the House of Representatives of the third of February, in the year of our Lord eighteen hundred and thirty-six : the said canal shall be constructed on such one of the routes surveyed by Captain W. G. Williams, and set forth in his report, as the Secretary of War, upon full examination, shall think will best tend to promote the military defence and commercial interests of the country.

IN SENATE OF THE UNITED STATES.

FEBRUARY 16, 1837.

Read, and ordered to be printed, and that 1,000 additional copies be furnished for the use of the Senate.

Mr. CLAY made the following

REPORT,

WITH SENATE BILL NO. 223.

*The select committee to whom was referred the address of certain British and the petition of certain American authors, have, according to order, had the same under consideration, and beg leave now to report :*

That, by the act of Congress of 1831, being the law now in force regulating copy-rights, the benefits of the act are restricted to citizens or residents of the United States; so that no foreigner, residing abroad, can secure a copy-right in the United States for any work of which he is the author, however important or valuable it may be. The object of the address and petition, therefore, is to remove this restriction as to British authors, and to allow them to enjoy the benefits of our law.

That authors and inventors have, according to the practice among civilized nations, a property in the respective productions of their genius, is incontestable; and that this property should be protected as effectually as any other property is, by law, follows as a legitimate consequence. Authors and inventors are among the greatest benefactors of mankind. They are often dependent, exclusively, upon their own mental labors for the means of subsistence; and are frequently, from the nature of their pursuits, or the constitutions of their minds, incapable of applying that provident care to worldly affairs which other classes of society are in the habit of bestowing. These considerations give additional strength to their just title to the protection of the law.

It being established that literary property is entitled to legal protection, it results that this protection ought to be afforded wherever the property is situated. A British merchant brings or transmits to the United States a bale of merchandise, and the moment it comes within the jurisdiction of our laws, they throw around it effectual security. But if the work of a British author is brought to the United States, it may be appropriated by any resident here, and republished, without any compensation whatever being made to the author. We should be all shocked if the law tolerated the least invasion of the rights of property, in the case of the merchandise, whilst those which justly belong to the works of authors are exposed to daily violation, without the possibility of their invoking the aid of the laws.

The committee think that this distinction in the condition of the two descriptions of property is not just; and that it ought to be remedied by some safe and cautious amendment of the law. Already the principle has been adopted in the patent laws, of extending their benefits to foreign inventions or improvements. It is but carrying out the same principle to extend the benefit of our copy-right laws to foreign authors. In relation to the subjects of Great Britain and France, it will be but a measure of reciprocal justice; for, in both of those countries, our authors may enjoy that protection of their laws for literary property which is denied to their subjects here.

Entertaining these views, the committee have been anxious to devise some measure which, without too great a disturbance of interests, or affecting too seriously arrangements which have grown out of the present state of things, may, without hazard, be subjected to the test of practical experience. Of the works which have heretofore issued from the foreign press, many have been already republished in the United States; others are in a progress of republication, and some probably have been stereotyped. A copy-right law which should embrace any of these works, might injuriously affect American publishers, and lead to collision and litigation between them and foreign authors.

Acting, then, on the principles of prudence and caution, by which the committee have thought it best to be governed, the bill which the committee intend proposing provides that the protection which it secures shall extend to those works only which shall be published after its passage. It is also limited to the subjects of Great Britain and France; among other reasons, because the committee have information that, by their laws, American authors can obtain there protection for their productions; but they have no information that such is the case in any other foreign country. But, in principle, the committee perceive no objection to considering the republic of letters as one great community, and adopting a system of protection for literary property which should be common to all parts of it. The bill also provides that an American edition of the foreign work for which an American copy-right has been obtained, shall be published within reasonable time.

If the bill should pass, its operation in this country would be to leave the public, without any charge for copy-right, in the undisturbed possession of all scientific and literary works published prior to its passage—in other words, the great mass of the science and literature of the world; and to entitle the British or French author only to the benefit of copy-right in respect to works which may be published subsequent to the passage of the law.

The committee cannot anticipate any reasonable or just objection to a measure thus guarded and restricted. It may, indeed, be contended, and it is possible that the new work, when charged with the expense incident to the copy-right, may come into the hands of the purchaser at a small advance beyond what would be its price, if there were no such charge; but this is by no means certain. It is, on the contrary, highly probable that, when the American publisher has adequate time to issue carefully an edition of the foreign work, without incurring the extraordinary expense which he now has to sustain to make a hurried publication of it, and to guard himself against dangerous competition, he will be

able to bring it into the market as cheaply as if the bill were not to pass. But, if that should not prove to be the case, and if the American reader should have to pay a few cents to compensate the author for composing a work by which he is instructed and profited, would it not be just in itself? Has any reader a right to the use, without remuneration, of intellectual productions which have not yet been brought into existence, but lie buried in the mind of genius? The committee think not; and they believe that no American citizen would not feel it quite as unjust, in reference to future publications, to appropriate to himself their use, without any consideration being paid to their foreign proprietors, as he would to take the bale of merchandise, in the case stated, without paying for it; and he would the more readily make this trifling contribution, when it secured to him, instead of the imperfect and slovenly book now often issued, a neat and valuable work, worthy of preservation.

With respect to the constitutional power to pass the proposed bill, the committee entertain no doubt, and Congress, as before stated, has acted on it. The constitution authorizes Congress "to promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries." There is no limitation of the power to natives or residents of this country. Such a limitation would have been hostile to the object of the power granted. That object was to *promote* the progress of science and useful arts. They belong to no particular country, but to mankind generally. And it cannot be doubted that the stimulus which it was intended to give to mind and genius, in other words, the promotion of the progress of science and the arts, will be increased by the motives which the bill offers to the inhabitants of Great Britain and France.

The committee conclude by asking leave to introduce the bill which accompanies this report.





## RESOLUTIONS

OF THE

### GENERAL ASSEMBLY OF INDIANA,

*a relation to granting Land to certain French Inhabitants in and near Vincennes.*

FEBRUARY 17, 1837.

Referred to the Committee on Public Lands, and ordered to be printed.

*A joint resolution for the benefit of certain French inhabitants in and near Vincennes.*

Whereas it is represented to this General Assembly that certain French and Canadian inhabitants, and their descendants, settlers at Port St. Vincent, (now Vincennes,) who have professed themselves citizens of the United States, have never, under the act of cession of the State of Virginia passed December 20, 1783, and the several acts and resolutions of Congress, received a confirmation of title to the lands to which they are justly entitled: Therefore,

*Be it resolved by the General Assembly of the State of Indiana, That our Senators and Representatives in Congress be requested to use their exertions to procure the passage of a law for the appointment of a commissioner to ascertain the justice of the claims of those French and Canadian inhabitants, and their descendants, at Vincennes, to lands, who have not been provided for in pursuance of said several acts of the State of Virginia and of the United States.*

*Resolved, further, That if, upon such ascertainment, it be found that any of such French or Canadian inhabitants, or their descendants, are entitled to land as aforesaid, the President of the United States be authorized to direct the Commissioner of the General Land Office to permit any such person entitled to enter at the United States land offices northwest of the Ohio river a quantity of land equal to that to which they may be so as aforesaid entitled; and that a patent issue to him, her, or them; or that Congress may grant such other relief in the premises as may be just and reasonable.*

*Resolved, That his excellency the Governor be requested to transmit a copy of the foregoing resolutions to our Senators and Representatives in Congress.*

CALEB B. SMITH,  
*Speaker House of Representatives.*  
DAVID WALLACE,  
*President of the Senate.*  
N. NOBLE.

Approved, February 3, 1837.



695

TOBACCO.

(To accompany joint resolution No. 25.)

FEBRUARY 18, 1837.

omitted

Mr. JENIFER, from the Select Committee to which the subject had been referred, made the following

REPORT:

*The Select Committee, to which were referred the memorial of the tobacco planters, and the resolutions of the General Assembly of the State of Maryland, upon the subject of high rates of duty, and restrictions imposed by foreign Governments upon American tobacco, report:*

That but little information is afforded by the archives of the Government of the United States upon the several subjects committed to their charge. The principal exports of tobacco, from the United States to foreign countries, have been to England, the ports of France on the Atlantic and Mediterranean, Holland, Belgium, and the Hanse towns, for the consumption of Germany. And although it is admitted into Russia, Sweden and Norway, Denmark, Portugal, and some other parts of Europe, yet it is not to those last named countries that the American planters can look with hopes of much benefit, at least at the present time, for its consumption.

Anterior to the American revolution, the culture of tobacco was almost entirely confined to the then provinces of Virginia and Maryland: and as early as the year 1763, the exports were 67,000 hogsheads, near which annual average it continued until 1770; the war necessarily diminishing the exportation. But, in the years 1790, 1791, and 1792, the average was 111,030 hogsheads; being a larger quantity than has been exported from the United States in any one year since. Tobacco is now grown, in addition to Maryland and Virginia, in the States of Kentucky, Ohio, Tennessee, Missouri, Indiana, and North Carolina, and in small quantities in Connecticut and Pennsylvania. And although the *product* of the United States is much greater now than in the year 1790, still the *export* of that staple is less at the present time than formerly; the surplus produce being consumed at home.

From the year 1793 to 1800, inclusive, the average annual exports were 70,308 hogsheads, and of manufactured about 200,000 pounds.

For the year 1801 the exports went up to 103,753 hogsheads, and of manufactured to about 2,000,000 pounds, but decreased the next year to 77,721 hogsheads, and continued at near that average until the years 1807 and 1808, when the Berlin and Milan decrees and the embargo brought down the exports to less than 10,000 hogsheads.

From 1809 to 1812, inclusive, the annual average was, of exports, 66,659

Blair & Rives, printers.

hogsheads. The two succeeding years, being those of the late war with Great Britain, the exports were almost nominal, being less than 4,000 hogsheads.

From 1815, the first year of peace, up to 1835, the exports (with the exception of the years 1827 and 1832) have averaged about 90,000 hogsheads, and 2,500,000 pounds of manufactured tobacco.

The years of 1827 and 1832, the exports exceeded those of all former years since 1792 to the present period. The amounts being for the year 1827, 100,025 hogsheads, and 2,637,411 pounds; and for the year 1832, 106,806 hogsheads, and 3,456,071 pounds; being the largest number of hogsheads exported from the United States since that year, which amounted to 112,428 hogsheads.

In 1835, the exports were 94,353 hogsheads, and 3,817,854 pounds, which may be taken as a fair average of the past and present year.

Although the number of hogsheads exported in 1792, and the years immediately preceding, were greater than for the last ten years; yet, when it is considered that the weight of the hogsheads is considerably increased, as also the quantity of manufactured tobacco, it is believed that there is but little difference in the number of pounds exported between the former and present period.

#### *Weight of tobacco.*

In 1790, and for some years subsequent, the average weight of a hoghead was about 1,000 pounds. At the present time, those from Kentucky average about 1,300 pounds; and, although the finer qualities do not exceed, if equal, the former weights; yet, much the largest quantity exported being coarser and heavier, it is estimated that the average weight of all kinds, from Virginia, Maryland, Kentucky, Ohio, and Tennessee, is about 1,200 pounds to the hoghead. This, in addition to the increased quantity of manufactured tobacco, will show but little difference in the amount of exports between the former and present periods.

#### *Prices of tobacco.*

There has been a considerable diminution in the prices of our tobacco from the year 1800 to the present time, with the exception of the four years immediately succeeding the late war with Great Britain; during which, it sustained an average of about \$13 50 per hundred pounds. From 1800 to 1809, the average price, for these ten years, was \$6½ per hundred pounds; whilst, for the same number of years to 1835, inclusive, it has not been quite \$5½ per hundred pounds, notwithstanding the quantity exported has not increased.

#### *Value of exports.*

Prior to the year 1802, the value of the exported tobacco has not been ascertained; but in that year it amounted to \$6,220,000; in 1816, just after the war, to \$12,809,000; and in 1835, to \$8,250,577, of unmanufactured, and of manufactured, \$357,611, making an aggregate value of \$8,608,188. Thus, the value of annual exports from the United States of this article alone, under all the disadvantages of onerous foreign imports and restrictions, may be put down at near nine millions of dollars.

From the foregoing fact, it is evident that the present depressed state of the tobacco market is not attributable to the increased exports of that article from the United States; we must, therefore, look elsewhere for the causes.

As far as your committee have ascertained, the first efforts to have modified the duties or restrictions imposed abroad on American tobacco, were made by Mr. Jefferson, whilst minister to France in the year 1785. It appears from his correspondence that, at that time, he had several conversations with, and addressed a letter to, Count de Vergennes, then Minister of Foreign Affairs at Paris, upon the subject, in which he called that minister's attention to "the monopoly of the purchase of tobacco in France, as discouraging both to the French and American merchant;" and further urges, "that it is contrary to the spirit of trade, and to the dispositions of merchants, to carry a commodity to any market where but one person is allowed to buy it, and when, of course, that person fixes its price, which the seller must receive, or re-export his commodity, at the loss of his voyage thither."

Since that period, although some alterations and changes have been made by France in respect to her own internal regulations, no modification operating to the benefit of the American planter has been made, nor have any specific instructions been given by our Government in relation to this subject.

It is true that occasional suggestions have been made by some of our ministers and agents abroad, but not sufficiently urgent to induce any of those Governments, to which our tobacco is exported, so to modify their laws as to place this staple upon any thing like an equal footing with any other product coming from the United States.

The quantity of tobacco consumed in France in 1785, Mr. Jefferson estimated at about 24,000 hhds. annually. At the present time it is estimated at 37,000 hhds. Of this, the imports from the United States do not exceed 7,000 hhds. In 1835, the exports from the United States to France on the Atlantic were 5,259 hhds.; France on the Mediterranean, 1,053 hhds.; and to the French West Indies, 600 hhds.: in the whole, less than 7,000 hhds.; and this, subject to such restrictions and regulations, as to make that country a very limited as well as precarious market for our tobacco. The purchase of it being confined to the *regie*, and prohibited to individuals, not a pound can be purchased except by their directions; and then by samples sent for inspection, of which a selection is made according to their taste; which amount is so limited, and quality so defined, as to render any shipments to those ports hazardous in the extreme.

In the year 1833, by reference to her commercial regulations, we find that the quantity admitted for sale by the *regie* was little more than 6,000 hhds.; this in leaf, and confined to the growth of Virginia, Maryland, and Kentucky—thereby excluding all other kinds from the United States.

The exports to Great Britain have increased since 1830, from 19,910 hhds. to 27,563 hhds., in 1835, notwithstanding the impost duty in England is three shillings sterling per pound, equal to seventy cents United States currency. Here, too, are restrictions, and the number of ports where it may be imported limited. It is manifest, however, that the duty alone, independent of other burdens, acts as a prohibition to all except the first qualities. Of the quantity exported direct to England, it is estimated that about one third finds its way into Belgium, Holland, and the Hanse towns;

leaving to be consumed in England, of American growth, less than 20,000 hhds. It is not unreasonable to suppose, were the duty upon our tobacco reduced to bear some fair proportion to those paid in the United States upon British growth and manufacture, that the consumption in England would be considerably increased.

#### *Austria.*

In Austria tobacco is considered a state monopoly, and its introduction regulated by special dispositions. Before it can be consumed, a duty of fifteen florins, equal to about seven dollars American, on the hundred-weight, must be paid. Should it remain in depot longer than one year six weeks and three days, it is sold by the administrator of tobacco, and the nett proceeds, after paying expenses, &c., &c., held for the benefit of the owner. Even tobacco on board of vessels whilst in port, intended for the use of the crew, must be deposited in the offices of the customs, and not restored to the captains until their departure from the port. Those restrictions and exactions amount to almost a prohibition.

#### *Germany.*

When it is considered that the consumption of American tobacco in Germany and Holland is estimated at 53,000 hhds. annually, (40,000 of which finds its way into Germany alone,) being more than half of the whole annual exports from the United States, it is to those countries our attention should be more particularly directed; and to ascertain, if practicable, the causes of the present depressed state of the tobacco market, and the remedy which should be applied.

It is not the import duty paid in the ports of the Atlantic last mentioned we had a right to complain of, but the *restrictions* and transit exactions in the interior, which press so heavily upon the planter; and which bear no analogy to the various articles admitted into the United States from those countries, although either free of duty or at a reduced rate.

The *import* duty upon tobacco in Amsterdam, Rotterdam, Bremen, and other ports of Holland and Germany, is merely nominal; but it cannot be introduced into the interior of Germany, where the largest quantity is consumed, without paying a duty of 11 Prussian dollars, equal to \$7 40 American, on one hundred-weight of manufactured tobacco, or on unmanufactured, (which is generally shipped in hogsheads,) of \$5½ Prussian, or \$3 70 American, upon the hundred-weight; which is about one hundred per cent. upon the average price of tobacco shipped from the United States.

By reference to the commercial regulations existing between the United States and foreign Governments, we find that the estimated value of United States tobacco taken by the *regie* in France in one year amounted to 3,000,000 francs; whilst her exports to the United States, of silks alone, during the same year, amounted to 59,000,000 francs; and her wines, brandies, liquors, and cordials to 7,500,000 more. These articles of luxury are admitted into the United States at a nominal duty, at the same moment when our tobacco (a luxury in France) is almost entirely prohibited.

And now, when it is proposed to reduce still lower the duties upon her

exports, no modification has been made in relation to the onerous burdens imposed upon our tobacco.

This reduction of duties upon her silks has been made at a time, too, when the extension of the growth and manufacture of that article in the United States was becoming of great interest to the country; and the free introduction of which must very materially affect another important staple, either in the growth or manufacture.

From England we admit into the United States very many articles at a reduced rate, and others entirely free of duty, operating to the prejudice of the industry of many classes of our own citizens, whilst she taxes our tobacco almost a prohibitory duty.

In the interior of Germany it has already been shown that these exactions and restrictions are oppressive in the extreme to the tobacco planters of the United States, amounting to one hundred per cent. upon the original cost. And as if these were not sufficiently onerous, a distinction is made in Holland and Belgium between Maryland tobacco and all others from the United States. Virginia, and all other North American tobacco, *except Maryland*, pays an import duty of 1 franc 40 centimes, and transit duty of 1 franc 30 centimes; when Maryland pays 1 franc 60 centimes import, and 1 franc 60 centimes transit duty upon 100 lbs., being about 14 per cent. higher than all other tobacco: thus presenting the singular anomaly of taxing the same article from one of the United States a higher rate of duty than from all others. Why this distinction should have been made, your committee are unadvised of. The existence of the facts is sufficient to show that the interests of the tobacco planters have not met that fostering care in foreign countries which has been so liberally extended to other classes of our citizens, and other interests both at home and abroad.

The committee with great pleasure acknowledge the benefit they have derived from the long experience and practical information furnished by Mr. Joshua Dodge, American consul at Bremen, whose attention to the tobacco interest seems to have occupied much of his time whilst in France and Germany, where he has resided for several years, and to whom they are indebted for the annexed communication.

In connexion with the subject, your committee find that a treaty of "friendship, commerce, and navigation between the United States and the free Hanseatic republics of Lubeck, Bremen, and Hamburg," was concluded on the 20th December, 1827, to continue in force for twelve years from the date of the treaty, and for one year after notice should be given by one of the parties to terminate it. This treaty, although based upon the principle of reciprocity, in the practical result has failed to prove so to the United States.

By a statement prepared by our consul at Bremen with great care and labor, in four tables giving the amount of articles imported from the United States into that port; the arrivals and departures of American and foreign vessels; the quantity of tobacco entered at Bremen for the years 1828 to 1835, inclusive; it will be seen that the effect has been to throw almost the whole of the carrying trade from American to foreign vessels. Thus the number of hogsheads of tobacco entered at that port in 1828, in American vessels, was 13,417; and in foreign, 4,737; in 1835, only 6,346 hogsheads in American, and 18,661 in foreign vessels; making a difference, in the tobacco trade alone, of more than six to one against the American vessels.

The number of American vessels from the United States to the port of

Bremen in 1823, was 47, and of those belonging to Bremen from the United States, 15; and in 1835, the number of American vessels was reduced to 27, and those of Bremen increased to 55. The number of *departures* of American vessels in 1823 was 42, and of Bremen for the United States, 15. The departures of American vessels in 1835 had decreased to 17, and those of Bremen increased to 64. The number of American vessels cleared for the United States in 1835 with passengers, was, for New York 1, New Orleans 3, Baltimore 5; total 9. Foreign clearances, 29 to New York, 26 to Baltimore, 11 to other American ports; total, 66 foreign vessels to the United States, and but 9 American.

Thus it will appear, that since the conclusion of that treaty, placing those Governments upon a footing with the most favored nations, the shipping interest of the United States has been materially affected. This treaty is to be in force until December, 1839, and for twelve months after notice to discontinue it shall have been given by one of the contracting parties.

Your committee do not perceive any obligation on the part of the United States to continue in force that treaty a moment longer than the time allowed for its discontinuance, no reciprocal benefit having been derived to the United States.

In comparing the tariff of duties laid in the United States upon importations from foreign countries with the burdens imposed upon American tobacco in those countries, we are forcibly struck with the want of reciprocity as relates to this particular staple.

At the moment when the Government of the United States have so modified her imposts, as to admit various articles from England, France, Holland and Germany, at a nominal, and others entirely free of duty; and when it is proposed further to reduce the duties upon other articles still lower, and some free of duty; we cannot doubt that a similar spirit will animate those foreign Governments to which our tobaccos are exported.

We do not desire to interrupt in any manner whatever the friendly relations existing between the United States and any foreign power, nor do we wish to interfere with the present laws imposing duties on imports.

But in protecting the great interests of our country, both at home and abroad, we should not overlook one which is so materially important to a large and respectable class of our citizens in six States of the Union, and who have never, heretofore, asked the interposition of our Government; and whilst all other interests have been legislated on, or negotiated for, and the tobacco planters of the United States, with an export of a staple bringing in return \$9,000,000 annually, have paid heavy duties on articles, the very means of its production, their interests have heretofore been entirely left to the mercy of foreign Governments and their agents.

It is therefore confidently trusted that the Executive of the United States will adopt such means as may be deemed best calculated to relieve the tobacco planters of our country from the heavy and unequal burdens imposed by foreign Governments upon that staple; and that direct and specific instructions will be given to our ministers and other agents abroad to use their exertions to effect this object.

The committee therefore recommend the adoption of the following joint resolution:

*Resolved by the Senate and House of Representatives, That the Presi*



dent be requested to instruct the ministers and other representatives of this country in France, England, Russia, Prussia, Holland, and Germany, to negotiate with the respective Governments to which they are accredited, for a modification of the duties and restrictions upon tobacco imported from the United States ; and that he be also requested to appoint special agents to negotiate in like manner with the Governments of those countries into which tobacco is imported under similar restrictions, that have no accredited representatives from the United States.

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WASHINGTON, *February 3, 1837.*

GENTLEMEN: A select committee of the honorable House of Representatives having been appointed to inquire into the causes of the diminution in the exports of that great staple commodity of our country, tobacco, I respectfully beg leave to submit to the said committee some observations, drawn in most instances from personal experience, which may perhaps serve to throw some light upon this highly interesting subject—a subject not only interesting to the tobacco planters, but which interests, either directly or indirectly, almost every class of our citizens. The value of that article now exported has averaged from 1830 to 1835, inclusive, about six millions of dollars ; this serves to keep down foreign exchanges, thus placing it in our power to pay at a less price for those articles of foreign produce or manufacture which either the comforts or the luxuries of our population demand. Should this amount in our exportations be diminished, the foreign exchanges would naturally be against us, in proportion to the diminution in the exports of tobacco ; and if means can be devised to increase the consumption of that article in Europe, it stands to reason that we can import foreign produce at a cheaper rate : this serves to show that all classes of our community are interested in the success of the tobacco planter.

If it is wished to particularize, it can be easily shown that the ship-owners in the United States would be greatly benefitted by an augmentation in the export of tobacco ; this is so palpable, that it requires but a short argument to prove its truth, to any one disposed to doubt its correctness. The great object of the freighting ship-owner is to obtain a full freight for his vessel ; consequently, the bulkier the article, the greater chance he has of filling up his vessel ; and if that article unites at the same time heaviness with bulk, it saves him from the extra expense of ballast, which, in loading many other articles, he finds it necessary to take, in order to have his vessel in proper trim. Tobacco is consequently the article of our exports which unites, in a peculiar degree, all those advantages ; and it therefore becomes of the utmost importance to our ship-owners to augment as much as possible the consumption of that article in Europe, and, by so doing, to increase its exportation. And we should likewise bear in mind, that if some means are not found to increase its consumption in Europe, those two great agricultural States, Virginia and Maryland, whose lands are peculiarly adapted to the cultivation of tobacco, will greatly suffer, and many of their inhabitants will find it necessary to seek in other quarters of our country for land suited to the cultivation of some other article, probably cotton ; thus increasing the quantity grown of the last named article beyond the wants of the consumer, and consequently diminishing its price. This shows that the cotton planter

is deeply interested in the success of the tobacco grower, and in the increase of its consumption in Europe.

It appears, from tables on file at the Treasury Department, that the exportation of tobacco to various countries of Europe, has from 1830 to 1835, inclusive, been as follows: To Russia in five years, 346 hogsheads; to Prussia in 1834, 10 hogsheads; Sweden and Norway, 11,999 hogsheads; Holland, 126,352 hogsheads; Denmark, 1,578 hogsheads; to Belgium in three years, 6,139 hogsheads; England, 164,451 hogsheads; Scotland, 537 hogsheads; to Ireland in four years, 606 hogsheads; Gibraltar, 14,279 hogsheads; Hanse towns, 133,098 hogsheads; France, including its ports on the Atlantic and on the Mediterranean, 30,328 hogsheads; Spain, including its ports on the Mediterranean and on the Atlantic, 14,252 hogsheads; to Portugal in four years, 1,062 hogsheads; Italy, 5,640 hogsheads; to Sicily in 1835, 25 hogsheads; to Trieste (Austria) in three years, 87 hogsheads; and to all other parts of the world, 31,980 hogsheads; making a total of 542,819 hogsheads, and averaging annually 90,469 hogsheads.

The foregoing shows the countries exported to, as cleared at our custom-houses; but the point to which your honorable committee wish to arrive at, is, to know in what countries the foregoing stated quantities are consumed. I will therefore respectfully state the number of hogsheads of American tobacco which, from statistical information, acquired mostly by personal knowledge, I consider are consumed in several of the most important countries of Europe.

The exportation, as aforementioned, of 164,451 hogsheads to England during six years, gives an annual average exportation of 27,408 hogsheads. I consider that about 10,000 hogsheads thus exported direct to England, and without being landed in that country, find their way to Belgium, Holland, and the Hanse towns, and about 1,000 hogsheads to the Baltic; and from the ports of Belgium, Holland, and the Hanse towns, the greatest proportion is sent by transit to the interior of Germany, where it is finally consumed. Consequently, England may be considered as consuming about 16,000 hogsheads annually. The consumption of that article is greatly checked in England by the enormous duty of three shillings sterling per pound, and it is only astonishing that, with a duty of about seven hundred per cent. on its original cost, still so large a quantity is consumed in that country; and it would be no more than reasonable to suppose that, if that duty were reduced to within any reasonable bounds, the consumption of tobacco would increase in a few years to over 30,000 hogsheads annually.

France, in six years, has taken, according to the clearances at our custom-houses, only 30,328 hogsheads, making an annual average of about 5,054 hogsheads; but I consider that about 1,000 hogsheads annually of that which is cleared for Gibraltar find their way to the Mediterranean ports of France; making, consequently, an annual consumption in France of only about 6,000 hogsheads of American tobacco; and this for the consumption of a great tobacco consuming country of thirty-two millions of inhabitants. This arises from the oppressive system of the *regie* permitting tobacco on importation to be sold for consumption to only one purchaser, the *regie*. It is true that tobacco can be put in *entrepôt réel* for a certain length of time, and that it can be sold from hand to hand to speculators; but still it must finally be sold to the *regie*, or exported from France. The manner of disposing of it to the *regie* is open to many abuses. On certain days, a con-

course for the sale of tobacco is publicly advertised by the *regie*, and those that are disposed to tempt their fate have each hogshead examined by persons appointed at each principal entrepot by the *regie* to draw samples; these samples are sealed up and forwarded to Paris, accompanied by the written prices of the persons wishing to sell, also sealed. On the day appointed, the various samples are opened, as also the sealed papers stating the prices; and it is then declared which parcels shall be purchased by the *regie*. The samples of the tobacco so purchased, are then resealed and sent to the port where the tobacco is to be delivered; and if the persons appointed by the *regie* declare that the tobacco is conformable to the samples, it is received. The tenacity with which the French Government hold to the system of the *regie* arises, undoubtedly, from the great patronage which it enables them to bestow upon at least 30,000 persons interested either in its manufacture into snuff or cigars, or in the retailing of the same at the innumerable bureaux of tobacco throughout France; for it is only by special favor that a person can thus obtain a bureau for the sale of those articles. It is a system which preys heavily upon the French people, for it has been the means of forcing upon them the cultivation of a very inferior quality of tobacco, subject to many vexatious restrictions; as, for example, a person cultivating tobacco must inform an officer of the *regie* of the number of plants which he has, and which, after an examination by that officer, are noted in a book, as well as the number of leaves there are upon each plant; and the cultivator must account, under a heavy penalty, for each plant and leaf. This system has likewise the double effect of making tobacco very dear to the consumer, and of obliging him to use a very inferior quality.

The duty in France is very trifling, being rather less than one cent, American currency, per pound—say ten francs per 100 kilogrammes. This duty is only paid when the article is sold to the *regie*; for when the article is sold for exportation, the export duty is only twenty-five centimes, (about five cents,) per 100 kilogrammes. With all these restrictions, the consumption of tobacco is great in France, although but a small quantity of American tobacco is consumed.

I consider that the quantity of tobacco grown in France has averaged, during the last six years, about 31,000 hogsheads; thus making the annual consumption of that country about 37,000 hogsheads. From a long residence in France, during most of the time from 1813 to 1830, ten years of which I had the honor of being the United States consul at Marseilles, and having always been desirous of obtaining every statistical information I possibly could respecting such articles as might be interesting to our country, I examined very particularly into the article of tobacco, and I know that the tobacco grown in France is of a very inferior quality; that it requires a very great proportion of American tobacco to make it any ways palatable; and I am fully convinced that both the French Government and the American planters would greatly gain by the system of the *regie* being done away with, and a duty of even three cents a pound would be far more favorable to both parties than the present system; for France would raise a much greater nett revenue than it does at present, and our tobacco planters would soon have a market for at least 30,000 hogsheads yearly. By doing away with the *regie*, and substituting even a high duty, the consumption would soon greatly augment, as the French people would then be enabled to obtain their snuff, cigars, &c., at a much cheaper rate, and of a far better quality than they do now.

**Belgium.**—There has been exported to that country, according to clearances at the custom-houses, during three years, from 1833 to 1835, inclusive, 6,139 hogsheads—making an annual average of direct exportation from the United States of 2,063 hogsheads; besides which, it is probable that about 1,000 hogsheads have gone there in vessels that have cleared for Cowes and a market—making about 3,000 hogsheads of American tobacco annually imported into Belgium; of which I should think that at least one-fifth was sent into the interior of Germany by transit, leaving about 2,400 hogsheads for the annual consumption of that country. The duties are as follows: On Virginia and other North American tobacco, in rolls or leaves, (except Maryland,) one franc forty centimes per 100 pounds of Belgium, being about 11½ cents per 100 pounds avoirdupois; on transit of same, one franc thirty centimes, equal to about 11 cents per 100 pounds avoirdupois. On Maryland tobacco the duty is higher; say in rolls or leaves one franc sixty centimes, and on its transit the same duty is paid of one franc sixty centimes, being equal to about 13½ cents per 100 pounds avoirdupois. It is in contemplation to continue the rail-road from Antwerp on as far as Cologne, in Germany; should this be done, a large proportion of the middle states of that country will get their supplies by Antwerp, by transit through Belgium; it would, therefore, be well to endeavor in time to get the consumption duty, and transit duty, on Maryland tobacco brought down to the same rate of duty as that paid on Virginia and other North American.

**Holland.**—The direct exportation from the United States has been, from 1830 to 1835, inclusive, 126,352 hogsheads—making an annual average of about 21,058 hogsheads, to which ought to be added about 3,000 hogsheads by vessels having touched at Cowes, or from the depots in England—making a total of importations into Holland of 24,000 hogsheads annually; of which about one-half is probably sent to the interior of Germany. The duties in Holland are: On Virginia and other North American (except Maryland) in rolls or leaves, 70 centimes per Dutch 100 pounds, equal to about 13 cents per 100 pounds avoirdupois; and on transit of same, 66 centimes, being equal to about 11½ cents per 100 pounds avoirdupois. On Maryland, in rolls or leaves, the duty is 80 centimes, equal to about 13 cents per 100 pounds avoirdupois; the transit duty on Maryland, in rolls or leaves, is 80 centimes, being the same as the consumption duty.

The Hanse towns of Bremen and Hamburg. (as for Lubeck, it is a town having none or little commerce with the United States, and probably not one hogshead has been exported to it for years; but to the two ports of Bremen and Hamburg) a considerable commerce is carried on with the United States. Bremen has engrossed nearly all the tobacco trade; and since the treaty of December, 1827, its vessels have engrossed nearly all the carrying trade from the United States, for the supplying the interior of Germany, which the tables accompanying this will show. I have prepared the said tables with the strictest attention to accuracy, and it will be seen that, from 1828 to 1835, inclusive, there have been imported into Bremen, including the bales, packages, bags, &c., (which, without now entering into detail, I will estimate at about) 183,000 hogsheads, including the importations of stems and scraps. I have no means of knowing accurately what the imports have been into Hamburg during the same period of eight years.

In order, however, to make a comparison between the clearances direct for the Hanse towns, and my tables showing the actual importations into Bremen, it will be well to take the amount exported direct, from 1830 to

1835, inclusive, as mentioned in a former part of this letter, which was 133,098 hogsheads; but according to my tables, during the same period there were imported into Bremen (which, without entering into detail, I will estimate at) 150,000 hogsheads of tobacco, tobacco stems, and scraps; to which, if we add about 18,000 hogsheads as the importation into Hamburg during the same period, it will give a total of 168,000 hogsheads—making an excess over the amount declared at our custom-houses as exported direct to the Hanse towns from 1830 to 1835, inclusive, of 34,902 hogsheads. This arises from many cargoes having been cleared for Cowes and a market, and several of them having found their way finally to the Hanse towns: this makes an annual average importation into Bremen of about 25,000 hogsheads, and into Hamburg of about 3,000 hogsheads. I consider that not over 1,000 hogsheads are annually consumed in both those cities, and that the balance is sent into the interior of Germany, where it is finally consumed. The total amount consumed in the interior of Germany, I consider to be about 40,700 hogsheads; and if we include the 1,000 hogsheads consumed in Bremen and Hamburg, and about 500 hogsheads which probably go from Cowes or some other English port to the Prussian ports on the Baltic, it would make a total of about 42,200 hogsheads as the annual average consumption in Germany (not including Austria) of American tobacco.

When we consider the habits of the people of Germany, where smoking is indulged in from the highest to the lowest, this is a small quantity in comparison to that which would be consumed, were the duties diminished on its consumption in the interior.

As I have already shown, the consumption in Bremen and Hamburg is probably not over 1,000 hogsheads annually, and the duty in those two cities is, in Bremen  $\frac{3}{4}$  per cent. on its declared value, and in Hamburg  $1\frac{1}{2}$  per cent.; but it is to the duties levied in the interior of Germany, where we must look to find the real cause which prevents an increase of consumption.

Germany proper (not including the Polish provinces now belonging to Austria and Prussia) contains 11,502 German square miles, and 35 $\frac{1}{2}$  millions of inhabitants; thus making a dense population of 3,087 persons to each German square mile. We must bear, also, in mind, that the same rate of duty on tobacco is levied in the ancient Polish provinces now belonging to Austria and Prussia, as is levied in the other provinces of those two countries.

Prussia.—By the Prussian tariff, American unmanufactured tobacco and tobacco stems pay a duty of 5 rix-dollars and 15 silver groschens per quintal of 110 Prussian pounds, being equal to \$3 31 per 100 pounds avoirdupois; and manufactured tobacco pays a duty of 11 rix-dollars per quintal, equal to \$6 62 per 100 pounds avoirdupois.

In March, 1833, a confederation of the customs was formed between Prussia, the Prince Electoral Co-Regent of Hesse, the Grand Duke of Hesse, and the Kings of Bavaria and Wirtemberg, by which the Prussian tariff was adopted throughout their territories; since that period, most of the other German States have joined the confederation, with the exception of Austria, the Hanse towns of Bremen, Hamburg, and Lubec, Oldenburg, Hanover, Holstein, and Sachsen Lauenburg. Hanover will unquestionably join the confederation the moment the present King of England ceases to exist, and the Princess Victoria comes upon the throne of Great Britain;

for Hanover, being a male fief, will then descend to the Duke of Cumberland, who is closely allied with Prussia; Oldenburg will probably follow; and thus, in a few years, the same rate of duties will be levied throughout, with the exception of Austria, the three Hanse towns above mentioned, and Holstein and Sachsen Lauenburg belonging to Denmark. It, therefore, becomes of the utmost importance to the tobacco planter to turn his attention to Germany, which offers, from the habits of its people, a great increase in the consumption of tobacco, if the duty in that extensive country should be diminished. This, from the enlightened policy of Prussia, and the friendly feelings which exist in that Government towards the United States, and from a personal knowledge of Germany, I feel confident can be effected; but we must bear in mind the peculiar nature of the numerous German States which compose their confederation, that Prussia has but one voice in the league, and that therefore it is not simply by convincing Prussia alone of the sound policy of diminishing the duty on that most important article of our exports that we can hope to succeed, but that each one of these States, naturally jealous of the influence of Prussia, must likewise be convinced of its good policy: this, in my humble opinion, can be effected. During the last three years that I have been living in Bremen as consul of the United States, I have devoted myself to the obtaining of information respecting the immense resources which Germany offers in connexion with our commercial interests, and also with the important interests of the tobacco and cotton planter; and in my late journey through that country, which I undertook for the purpose of convincing myself that the information I had succeeded in obtaining was correct, and for the purpose of becoming acquainted with as many of its influential men as I possibly could, I found, in conversing with many of them who enjoyed, from their station, the greatest influence in the various courts, that they were utterly unacquainted with the liberal policy the United States had pursued towards Germany, by taking off the duties entirely on many of its principal manufactures, and in greatly diminishing the duties on the remainder. On my informing them of this liberal policy on the part of the United States, I always asked them whether they ought not, in common justice, to do something for our tobacco: and, I can safely say, that every one I met and conversed with on this subject, invariably agreed with me on the sound policy of so doing, acknowledging that, until then, they were unacquainted with the bearings of the subject, and they always appeared much pleased with the information I gave them; in fact, every thing convinced me that success would inevitably attend our negotiations respecting the diminishing of the duties on tobacco in the interior of Germany, if a proper course is pursued. We have in our hands a powerful engine, which can, if necessary, be made use of; and if properly applied, will, undoubtedly, induce the various Governments of Germany to agree to such a measure—I mean our tariff. I have prepared a statement whilst at Bremen, and which shows the great variety of articles we draw from Germany, and shows, at the same time, the articles which have been admitted free of duty, and those on which the duty has been greatly diminished. By comparing this with the old and new tariffs, your honorable committee will see the former rate of duties, and the present rate as fixed by our tariff of 1833. Among other articles which are now admitted free of duty is linen, which is one of the most important to Germany. In order to show its great importance to that country, I will state a few facts respecting it.

All over Germany linens are manufactured by the weavers in the small villages, who, when they have a piece or some pieces made, bring the linen to the neighboring town, sometimes bleached, and sometimes unbleached. Also the peasants make linen, and sell it in the same manner; so that those towns which in commerce are usually known as manufacturing towns, are, in fact, only where the linen is bought up but not manufactured. The greatest part of the linens manufactured in Suabia, at Memmingen, Ulm, Kempten, Nordlingen, Ludwigsburg, Urach, &c., are exported to France and Italy. Those linens which are exported to the United States via Bremen and Hamburg, come from Silesia, Bohemia, the Upper Lansitz, Westphalia, Hessa, Hanover, and Brunswick. From Silesia, are exported the following: Estopillas, chiefly from Hirschberg; bleached, single platillas, platillas royales; bleached and unbleached Bretagnes; creas, made of bleached yarn; bleached Rouens, Rouens à la Morlaix; casserillos applatillados; cholets, or brown Hollands, and unbleached platillas: all these come from Hirschberg, Landeshut and Breslau, Schweidnitz, Waldenburg, Mittelwalde, Greifenberg, Glatz, Lewin, &c. From Hirschberg, Landeshut and Schmiedeberg, come diapers, table-cloths, and napkins, &c. The Silesia platillas and Bretagnes are considered better even than those made in France or in Ireland. In the Upper Lansitz, are Hernhut, Zittau, Bautzen, Goolitz, Lobau, and Lauben, known by their linen manufactures: at said places are made creas, dowlas, Rouens, damask table-cloths, &c. Sebnitz, in the Saxon bailiwick Hohenstein, manufactures sundry linens, white contils, diapers, &c. In Bohemia, are manufactured platillas royales, bocadillos, Bretagnes and Rouens. Contils are manufactured in Westphalia and Silesia. The linens which are sent to Bremen from Westphalia, Tecklenburg, Ravensburg, Bielefeld, Paderborn, Osnabruc, Wahrendorf, and Munden, are for the most part of the coarser kinds of linens, and heedens or brown rolls; though at Bielefeld, and in the district of Ravenburg, there are manufactured linens of a much better quality chiefly. The Bielefeld linen or shirting is well known in the United States.

The growing of the raw material, and the manufacturing it into linen, employ a large proportion of the inhabitants of Germany; and the finding a market for its consumption is of the utmost consequence to that country. The accompanying table will also show a great variety of other German articles which are consumed in the United States. Our market, consequently, is of the greatest importance to Germany; and our tariff can be made to operate, in a powerful manner, in overcoming any difficulties that the interior States of Germany might, contrary to sound policy and their own interests, put in the way of a diminution of the duties on tobacco coming from the United States, and consumed within their territories.

It may be proper here to remark, that, in many of the interior States of Germany, tobacco is cultivated; it is, however, of a very inferior quality, and emits, when smoked, a very disagreeable smell; but, from the high duties levied on American tobacco, the peasantry are compelled to use it; and there is no country in the world where so much tobacco is consumed, according to its population, as in Germany.

In Austria, tobacco is an article of state monopoly, and, therefore, very little coming from the United States is consumed. The consumption, however, of our tobacco appears to be increasing. From 1830 to 1832, inclusive, none appears to have been exported direct for Trieste, but in 1833 there were cleared for that port 14 hogsheds; but in 1834, five hogsheds,

only were sent direct ; in 1835 the quantity had increased to 68 hogsheds : and it is very probable, also, that a proportion of that which is sent to Gibraltar is finally shipped to Trieste.

The importation of leaf, as well as manufactured tobacco and snuff, into the German or Italian provinces of Austria, is only permitted by a passport from the imperial tobacco administration.

The duty on foreign tobacco leaf, as American, Levant, Turkish, &c., is 15 florins the centner, equal to \$5 90 the 100 pounds avoirdupois.

Considerable quantities of tobacco are cultivated in Hungary and other parts of the Austrian dominions. The quality is very much like that of the Turkish, which is of a bright yellow, and its leaf is short and broad, and is extremely mild. I particularly refer to the Hungarian tobacco as resembling the Turkish.

Respecting the other States of Europe to which our tobacco is exported, they require but short remarks. According to clearances at our custom-houses, there have been exported direct to Russia, in five years, say 1831, '32, '33, '34, and '35, only 346 hogsheds, making an annual average of 69 hogsheds sent there direct ; but there is no doubt that a much greater quantity of our tobacco is yearly imported into St. Petersburg, probably by the way of England. In 1829 there were imported into that city 30,850 poods weight of tobacco leaf, equal to about 1,114,456 pounds avoirdupois, which, at 1,200 pounds the hogshedd, would be equal to 845 hogsheds : this is probably about the annual average consumption of our tobacco in Russia. The duties are as follows : On tobacco of all sorts, in leaf, with stems, five silver roubles per pood, being about \$10 41 per 100 pounds avoirdupois ; and on leaf stemmed, 10 silver roubles per pood, equal to about \$20 82 per 100 pounds avoirdupois.

To Sweden and Norway, from 1830 to 1835, inclusive, there have been exported direct 11,999 hogsheds, making an annual average of 1,333 hogsheds ; the consumption, however, is undoubtedly greater, for probably several hundred hogsheds are imported via England. The duties are, on leaf tobacco, six skillings, say \$5 33 per 100 pounds ; on tobacco cut in packages, or loose in casks, 12 skillings, say \$10 66 per 100 pounds ; canister, 32 skillings, say \$28 42 per 100 pounds ; spun, twisted, 8 skillings, say \$6 66 per 100 pounds ; carrott, 16 skillings, say \$14 21 per 100 pounds ; stems, 2 skillings, say \$1 77 per 100 pounds avoirdupois ; and on cigars, 1 rix-dollar per 100, say 40 cents per 100 cigars.

Denmark.—The direct exportation to that country from 1830 to 1835, inclusive, has been 1,578 hogsheds, making an annual average of 263 hogsheds ; but it is probable that some has gone from England. The duties are, on tobacco leaves and stalks, 2 Rigsbank dollars 8 skillings, say 94 cents per 100 pounds ; for smoking, common, or Porto Rico, 6 Rigsbank dollars 24 skillings, say \$2 83 per 100 pounds ; snuff, common, as also rappee, in sticks and rolls, 8 Rigsbank dollars 32 skillings, say \$3 78 per 100 pounds ; on ground rappee, Spanish snuff, as also whole and cut Spanish tobacco and cigars, 20 skillings say 19½ cents per pound avoirdupois.

Gibraltar.—Very little tobacco is consumed there ; that which is cleared at our custom-houses for that port is distributed throughout the various ports of the Mediterranean and Adriatic.

Spain.—The quantity exported direct to the ports of that country has been, from 1830 to 1835, inclusive, 14,282 hogsheds, making an annual average of 2,380 hogsheds ; to which, probably, may be added about 700 hogsheds



imported from Gibraltar. By a decree, signed and sealed by the King, the 20th November, 1820, it was declared that, from the 1st March, 1821, the traffic, commerce, manufacture, and sale of tobacco, whether in leaf, in cigars, papers, pajillas, in carrots, pigtail, rappee, in fine snuff, in any form best suited for consumption, shall be free throughout the peninsula and the adjacent islands, subject only to the restrictions imposed on other goods of consumption.

As I consider the subject to which the attention of your honorable committee is directed as one of the utmost importance to the prosperity of our common country, I beg leave to state, that if I can, in any manner, be made useful in forwarding the great interests of the tobacco planters, I should be extremely happy in so doing.

And I remain, gentlemen,

With the highest sentiments of esteem and respect,

Your most obedient servant,

JOSHUA DODGE,

*United States Consul, Bremen.*

To the Hon. DANIEL JENIFER,

*Chairman of the Select Committee of the House of  
Representatives on Tobacco.*



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**BENJAMIN HODGES—REPRESENTATIVES OF.**

[To accompany bill H. R. No. 941.]

FEBRUARY 18, 1837.

Mr. DROMGOOLE, from the Committee on Foreign Affairs, made the following

**REPORT:**

*The Committee on Foreign Affairs, to which was referred the petition of Catharine Hodges, widow of Benjamin Hodges, deceased, praying compensation for the loss of a slave, taken by the British during the late war, have, according to order, had the same under consideration, and submit the following report:*

From an examination of the testimony in this case, the committee are satisfied that the negro man, Phil, belonging to the husband of the petitioner, was taken off by the British army on its return from Washington city to the fleet, then lying in the Patuxent; and that the owner of said slave has never regained him.

Your committee are advised that there remains, unapplied, a residue of the funds obtained under the treaty of Ghent, for the express and only purpose of indemnifying losses of this character. Unless it shall be used, therefore, for this purpose, it must remain forever in the hands of the Government, without application to any object whatever. No precedent can be urged, in future, in favor of making a charge upon the general treasury of the United States, to meet cases which ought to have been presented to the commission appointed under the treaty.

Under all the circumstances, the committee are of opinion that compensation should be made for the loss of the slave mentioned in the petition; and that the sum to be allowed should be the same as that established by the commissioners under the treaty, which was two hundred and eighty dollars; and they herewith report a bill to that effect.

Blair & Rives, printers.



INDEPENDENCE OF TEXAS.

FEBRUARY 18, 1837.

Read, and laid upon the table.

Mr. HOWARD, from the Committee on Foreign Affairs, to which the subject had been referred, made the following

REPORT :

*The Committee on Foreign Affairs, to which the President's message and sundry memorials in relation to Texas were referred, have had the same under consideration, and ask leave to report the following resolutions :*

*Resolved, by the House of Representatives of the United States, That the independence of the Government of Texas ought to be recognised.*

*Resolved, That the Committee of Ways and Means be directed to provide, in the bill for the civil and diplomatic expenses of the Government, a salary and outfit for such public agent as the President may determine to send to Texas.*

Blair & Rives, printers.



## MEMORIAL

OF

G. FURMAN AND OTHER PUBLIC WRITERS,

*Praying the passage of an International Law of Copy-right.*

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FEBRUARY 20, 1837.

Presented, and ordered to be printed.

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*To the honorable the Senate and House of Representatives in Congress assembled :*

The petition of the undersigned public writers and friends of literature

SHEWETH :

That your petitioners have long viewed with regret the existing law of copy-right in the United States, as inconsistent with the spirit of the age, the diffusion of sound knowledge, the interests of American writers, and the rights generally of literary property.

By the present law of copy-right the interests of American writers are utterly crushed. Nor can they ever hope for any reasonable compensation for their productions while the present state of things exists.

One of the objectionable features in the existing law of copy-right, is its total indifference to the rights of literary property. At this time of day it cannot be necessary to enter into any general demonstration, showing that this species of property is entitled, as well as any other, to the protection of the laws. Property of every kind, wherever created or acquired, is shielded from depredation by the laws of all communities. Why should there be an exception in the case of literary property, which more especially should enlist the favor and sympathies of an intelligent people in its behalf? Can the shadow of a reason be adduced in support of this exception? An international copyright would secure to English, as well as our own authors, a reciprocity of interest, impediments would then be removed that have hitherto prevented their co-operation in the promotion of science and in the dissemination of those social principles which have made them both estimable and prosperous.

Your petitioners therefore pray that your honorable body will pass an act providing for an international law of copy-right with the United Kingdom of Great Britain and Ireland, or in any other way, which to your honorable body may seem meet, securing in the United States to the subjects of said kingdom the rights of property in their literary productions. And your petitioners will ever pray, &c.

- G. Furman  
 Robert U. Lang  
 James Campbell  
 John Le Conte  
 Gold S. Silliman  
 Sam. Swartwout  
 Henry Ogden  
 E. T. Throop  
 John T. Ferguson  
 David S. Lyon  
 M. S. Swartwout  
 James Campbell  
 Charles Rolfe  
 George Coles  
 William Leighton  
 John Paterson  
 George Brunner  
 David Rae  
 David Morice  
 William Johnston  
 Richard Mitchelson  
 Silas Stone  
 Stephen King  
 Charles Rey  
 Major Mott  
 John Neilson, jr., 17, Stuyvesant st.  
 New York  
 A. J. Bleecker, 150, Hudson street  
 T. B. Bleecker, Broadway and 19th  
 street  
 Pierre F. McDonald, 160, Hudson st.  
 John S. Bartlett, 77, Cedar street  
 Henry Jackson, 12, Platt street  
 Joseph Thompson, 96, Hudson st.  
 J. B. Scoles, 15, Howard street  
 W. E. Snowden, 130, 8th avenue  
 R. Heasley, 149, Waverly Place  
 J. D. Vermelye, 186, Waverly Place  
 Theophylact Bache, 60, 6th avenue  
 Alfred Tompson  
 Abner Whitlock  
 C. J. Le Fevre  
 E. B. Purcell  
 John Brock  
 Henry Myers  
 S. Valentine  
 H. J. Winslow  
 James Rawson  
 Joseph Perkins  
 G. G. Bowker  
 Hiram D. Peck  
 A. J. Mason, 144, Canal street  
 W. Penson, Green street, Canal st.  
 George Sole, Canal street  
 W. H. Francis, Varrick street  
 James A. Johnson  
 S. L. Gimber  
 John Hunt  
 John R. Andrews  
 J. Abbott, 92, Hudson street  
 Israel Dean, do  
 M. Drinckman, do  
 Wm. E. Randall, 226, Pearl street  
 J. Henricks, 92, Hudson street  
 T. H. Kirtley, 92, Hudson street  
 W. F. Blydenburgh, 4, William st.  
 Arthur W. Sabandan  
 A. N. Gunn  
 James C. Fisher  
 John A. Gunn  
 Alexander H. Gunn  
 C. Gersenhamer  
 John Snowden  
 Edward Vanderpool  
 R. Gedney  
 G. W. B. Gedney, 51, avenue 6th  
 Thomas Handy  
 N. B. Launy  
 James O. Pond  
 Josiah Q. Stearns  
 John R. Bayard  
 R. W. Cairns, 387, Hudson st. N.Y.  
 J. B. Samo, 243, Spring street  
 W. L. DeBour, 184, Spring street  
 George Lovell, 26, Barrow st.  
 Ed. H. Dixon, 37, 6th avenue  
 Addison Dutcher, 138, Amity street  
 Edward Bills, Hudson street  
 Edward B. Dean, Leroy Place  
 John W. Knight, Kinsbridge  
 Henry Roberts, 92, Hudson street  
 Edward Earle, 113, Waverly Place  
 William Stewart, 52, 6th avenue  
 Horace Kimball, Park Place  
 Aaron King, 50, East Broadway  
 James Brown  
 A. P. Dalsey  
 A. W. Ives  
 John J. Gilchrist  
 Edward Gunning  
 James F. Galpine  
 Wm. H. Morgan, jr.



W. W. Blennerhassett  
Alexander Ramsey  
A. A. Harrington  
John Murray Forbes  
David Coope  
C. C. Leigh  
Elijah Cotton  
J. W. Pray  
Thomas McGeorge  
Alb. Carpenter  
E. Hoogland  
Joseph Herbert  
Walker Booth  
John C. Stephens  
William Scott  
Abijah Abbot  
John J. Hurley  
William Rollinson  
Wm. M. Thompson  
S. V. Hunt  
P. Barthelieu  
H. Lee  
Samuel Whittemore  
Thomas Rogers  
J. Neale  
G. Huff

John Hyslop  
A. Nunes Pires  
A. Van Ingen, jr.  
William Cadle  
Arthur Harvey  
Jonathan Beers  
Theodore Murray  
G. McLeland  
Jas. M. Pringle, 6th avenue  
Leonard D. Sall  
Michael P. Mounts  
J. W. Oakley  
Charles A. Lee, M. D.  
Wm. R. Downs  
J. Houston  
Peter Le Count  
William Colsey  
Thomas White  
W. Brown  
F. Goll  
T. S. Christophers  
F. Diaper  
J. Rawson  
Henry Bowers  
J. Wining  
William Harvey



WILLIAM TUDOR, JUNIOR.

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MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

TRANSMITTING

*The information required by a resolution of the House of Representatives of the 9th ultimo, in relation to the correspondence of William Tudor, &c.*

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FEBRUARY 21, 1837.

Committed to the Committee of the Whole House, to which is committed the bill for the relief of the legal representatives of William Tudor, junior.

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*To the House of Representatives of the United States :*

'In compliance with the resolution of the House of Representatives of the 9th ultimo, I transmit a report from the Secretary of State, and the documents by which it was accompanied.

ANDREW JACKSON.

WASHINGTON, February 20, 1837.

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DEPARTMENT OF STATE,  
Washington, February 16, 1837.

The Secretary of State, to whom was referred the resolution of the House of Representatives of the 9th ultimo, requesting the President (if, in his judgment, not incompatible with the public interest) to communicate to that House copies of the correspondence with the Department of State, and with the Peruvian Governments, of the late William Tudor, jr., consul of the United States, and their political agent in Peru, from the 27th of March, 1824, to the 15th of May, 1827; and, also, the correspondence of the said William Tudor with the Department of State, and with the Government of Brazil, while he was chargé d'affaires of the United States at Rio de Janeiro, until his decease; has the honor to transmit copies of all the correspondence of Mr. Tudor with the Department of State, and with the Peruvian Governments, during the period referred to, except such

Blair & Rives, printers.

parts as it is thought cannot be communicated compatibly with the public interest ; but the Secretary of State has the honor to report to the President, that, as the correspondence requested in the latter part of the resolution referred to, is of great length, and is principally contained in two large volumes, from each of which a transcript can be made but by one person at a time, it is impracticable to have a copy of it prepared before the close of the present session of Congress. All which is respectfully submitted.

JOHN FORSYTH.

To the PRESIDENT OF THE UNITED STATES.

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*Mr. Tudor to Mr. Adams.*UNITED STATES SHIP FRANKLIN,  
*Callao, April 1, 1824.*

SIR: By a ship bound to Rio de Janeiro, I have the honor to inform you of my arrival at this place five days ago. We found the Spanish flag flying on the castles. The general commanding, Rodil, immediately sent an officer on board with offers of his services, and in every thing has shown a *marked* politeness in his attentions.

I accompanied Commodore Stewart in a visit to him the morning after my arrival, and informed him of the commission that I brought. He said that, of course, it was a question which it was not competent for him to decide, but that he would write at once to the Viceroy, and give him information of our arrival. He offered to forward my letters by the same express. I, therefore, the same day addressed the Viceroy, requesting to be recognised, and enclosing a copy of my commission, the original having been shown to General Rodil. An answer may be expected in a fortnight. The Viceroy is at Cuzco, and may be expected at Lima in a few weeks, when the sickly season will be over, if affairs should be in a more settled state.

The probability of my being received is not great; and, however small the inducements may be to enter on the duties of my office, in respect to my personal advantage, I thought myself bound to ask for a recognition, as I might, in the absence of all other official agents, render some services to my countrymen, or at least establish an authentic record of such transactions as regard us, for the service of the Government.

Mr. Prevost left here with the patriot refugees, and is now somewhere to leeward, but in what port I have not heard. In the absence of our forces, Admiral Guise, in the patriot service, committed some outrages against the American vessels, for which there can be little hope of reparation.

I apprehend a good deal of vexation and loss to arise from the privateers on this station sailing under the Spanish flag. The first fitted out from Chiloe, commanded by a man who had been one of the gang of the monster Benavides, began at once an extensive career of piracy against Americans, French, and English. Commodore Stewart took instantly the most active measures to intercept him, but hitherto without success; and it is generally thought that he has gone to some port in Europe to secure his plunder. One privateer has sailed from here since the entrance of the royalists, and another is fitting for sea. Instructions are given to them not to molest neutrals; but such had the pirate received, who sailed from Chiloe. In these distant seas, under authorities that are exposed to all the vicissitudes of civil war, privateering will be little else than piracy.

Where the amount of property exposed is so very extensive as it is in this ocean, and the possession of power is so transient and fluctuating, the chance of reparation for injury committed through design or mistake is extremely slight, and it seems to me should be prevented, when the circumstances are such as to preclude expectation of its being repaired. If the commanding officers of the ships of war of different nations could receive instructions to allow of no privateer under any flag on this coast, scenes of the most extensive violence and mischief might be prevented; and, in

taking such a measure, the interests of the different parties on shore would, in reality, be promoted. In this privateering, here, nothing is gained but the gratification of party revenge and the enriching a few buccaneers, who, if they obtain a considerable plunder, will fly off to other countries with it. In the mean time, the interruption of neutral trade deprives them of resources which they cannot otherwise obtain. One American brig is now here under detention, the captain having re-captured his vessel from the Chiloe privateer. The release of his vessel is doubtful; she belongs to Stonington—the Frederick, Captain Burroughs.

There are now lying in this port, besides the Franklin, seven American merchant vessels, the English sloop-of-war Fly, and ten or twelve English merchant ships; the Dutch sloop-of-war Lynx, and a few dismantled vessels belonging to the Peruvians. They have a gun-brig and eight gun-boats, which serve for a guard to the port.

I enclose a pamphlet and a few newspapers, which contain a few notices of the events that have recently taken place.

I have the honor to be,

With high respect,

Your obedient servant,

W. TUDOR.

Hon. J. Q. ADAMS,

*Secretary of State.*

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No. 2.

[EXTRACTS.]

*Mr. Tudor to the Secretary of State.*

UNITED STATES SHIP FRANKLIN,  
*Callao Roads, April 23, 1824.*

SIR: The importation of a large additional amount of specie into the United States, by making our country a place of deposit for a more considerable part of the produce of the mines of South America than it now receives, and which is now carried almost exclusively to England, has appeared to me an object of great national concern. I have endeavored to obtain all the information in my power respecting it, and believe that we may secure our share of the metallic exports from this country, by the intervention of the Bank of the United States, and the assistance of the Government of the Union. With this opinion, I have addressed a letter to the president of the bank, a copy of which I enclose. I have also addressed letters on the same topic to the Secretaries of the Treasury and the Navy, on those points in the plan which have a bearing on their departments. I am encouraged still further to hope that the suggestions will be considered of some utility, as, since these letters were written, I have been informed (I know not how correctly) that the bank and the Navy Department had anticipated my views of placing an agent in Cuba, by engaging and permitting Captain Porter to purchase and transmit from that island a large amount in dollars.

Nothing will tend so strongly to increase our commerce with this country, and the use of our manufactures, as affording the means of protecting



the property of our citizens while in port, and giving them regular and safe opportunities of obtaining their remittances, and also information of the state of the market and their other concerns here; all which will be incidental advantages of the plan proposed. The British have two frigates and two sloops-of-war on this coast—that is to say, between Acapulco and Chiloe; one large frigate and three sloops-of-war would be sufficient for the protection and accommodation of our commerce, and not more than these require. Our present arrangement, of sending a force to remain here two or three years, and then to replace it by another to continue the same period, has many disadvantages. It is, indeed, desirable that the senior officer should be some time on the station, because the knowledge he acquires of affairs here makes him more able to render service; but there should be a succession of vessels under his orders, which, in addition to other reasons enumerated, would be particularly convenient to the navy itself, in giving an opportunity of sending home invalids and men whose time is about to expire; in which case, many of them, by the improvidence and fickleness of sailors, are not only lost to the country, but are seduced on board privateers; and those who do not perish, finally call upon the consuls to send them back to the United States at the public expense. \* \* \*

To go into further details would be only to repeat the hints in the enclosed letter, or the observations I have submitted to the Secretaries of the Navy and the Treasury. I will only add, that, if a new arrangement of our force, and new regulations as to the transport of specie, are not adopted, the importation of specie direct from this country into the United States will nearly cease: much of it belonging to Americans, is now put on board British ships of war; and the long delay our merchants are exposed to, in getting their funds by our own ships, will soon make them prefer the foreign ship altogether. A single fact will elucidate this topic: There are now on board this ship, 120,000 dollars belonging to our merchants, that have been here from *eighteen months to two years*, to their serious loss and inconvenience; more than 200,000 dollars have been shipped at all risks, on board whale ships, or any opportunity that offered, to avoid this delay; and a vastly greater amount has been shipped in English vessels of war to England, because our merchants had no safe and expeditious means of getting it to their own country.

I am, sir, with great respect,

Your obedient servant,

W. TUDOR.

To the SECRETARY OF STATE.

No. 3.

[EXTRACTS.]

*Mr. Tudor to the Secretary of State.*

UNITED STATES SHIP FRANKLIN,

*Callao, May 3, 1824.*

SIR: I have already had the honor to address you a letter, (No. 3,) by this same opportunity, in relation to a particular object; and I have now only to describe the general state of things here. This task, if confined to authentic statements, would soon be executed, for little of that character

appears; and such is the interruption of correspondence, from the suspension of interior commerce, and the unsafe situation of the roads, that all the reports which are circulated are mere rumors, as idle as they are contradictory.

It appears, however, certain, and it may be relied upon, that the disparity of force between Generals Bolivar and Canterac is too great to admit of a battle with any hope of success to the former.

An intelligent Englishman who arrived here, a few days since, from Truxillo, and who appears to be an admirer of General Bolivar, and frequently saw him, states his force at 6,800 Colombians; and that a reinforcement of 1,500 were expected in a few weeks, being then on their way. He had, besides, 2,000 or 3,000 Peruvians, on whom he placed no reliance, as they were known to be very discontented, and only anxious to seize the first opportunity of getting back to their friends. The army under Canterac is admitted by all to be from 10,000 to 12,000; one person, who seemed well informed, asserted, with confidence, that it amounted to 11,000 infantry and 2,000 cavalry.

Both sides, it is said, were preparing for a battle, which was only delayed, on the part of the Colombian general, to obtain his reinforcements, and by the Spanish commander, from the obstacles of the season, and the impracticability of passing the rivers, which are extremely swollen in the autumnal season; but as the winter approaches, the waters subside, and it was universally believed that the month of May would not expire without a battle that would be decisive, if against General Bolivar; and, if otherwise, extremely injurious, but not ruinous to the Spaniards, as they would still hold the whole of Upper Peru, the strongest and most valuable part of this country.

I have, in another letter, submitted some reasons for the necessity of increasing our naval force on this ocean, where our commerce is so considerable, and so capable of being enlarged. A recent occurrence (since that letter was written) has shown still further the necessity of a reinforcement to watch such an extensive coast, so liable to depredations from various parties. General Bolivar, in the name of the Peruvian Government, has declared the coast of Peru in a state of blockade. Admiral Guise, with a frigate and three smaller vessels, is to enforce it, and is to be stationed off this port. One of his cruisers arrived here a week since, and detained a very valuable American ship, which was, fortunately, rescued by our squadron. The officer stated that they intended to be very liberal; and that they should allow vessels to enter, on paying 25 per cent. on the value of their cargoes in this market. Here, then, is a blockade established on the new system—not to distress an enemy, but to pillage neutrals.

Though this plan is not original with them, yet, when it was practised by some others, we might bear with its injustice for a time, because these were Governments we could look to for reparation; but, in this case, who is to be responsible? Not the Colombian Government, but the Peruvian Government; and this latter has really no existence—it is extinct. Here, there are a number of foreign adventurers; they are almost all Englishmen, who undertake to lay neutral commerce under contribution, and when they have collected a certain sum, will, like their predecessors, disperse themselves, and leave us without a hope of future compensation. I do not know how the American and English naval commanders will act; but it will be difficult for them, with a superior force, to see their countrymen thus

plundered in their very sight, and at such an immense distance from their Governments, that the whole mischief will be effected, and the depredators gone, before they can receive instructions from home.

I am in daily expectation of receiving an answer from the Viceroy, who is still at Cuzco, as General Rodil informed me to-day. He continues to say that he has no doubt of my being recognised; and has urged me to act, from the beginning, in my official capacity. I have declined so doing, except in a few cases where my efforts might be of some use to my countrymen: one of these, the brig Frederick, of Stonington, which has been under detention for two months, on account of her captain retaking this vessel from a prize crew of the privateer Quintanilla; he has promised to restore her to me to-morrow.

There are now eight American vessels in this port; part of them with assorted cargoes, not yet landed: among other articles, those who are now discharging had about 7,000 barrels of flour. Their voyages, generally, will give them a fair profit. I send a packet of newspapers published here.

I am, sir, with high respect,

Your obedient servant,

W. TUDOR.

To the SECRETARY OF STATE.

P. S.—*May 4*: Last night a party of Monteneros entered a part of Lima, and created, of course, great dismay; they carried off several of the sentinels. This may give you an idea of the distracted state of this unfortunate country.

No. 4.

*Mr. Tudor to the Secretary of State.*

LIMA, June 7, 1824.

SIR: My last letter, of the 3d ultimo, was by the Franklin, which sailed from Callao the 5th instant. Since then, I have received a short note from the Viceroy, in answer to my letter on arrival; and a letter of explanation, on the subject of my consulship, to Commodore Stewart, to which he refers me; the Viceroy appearing to fear that writing to me would be a kind of acknowledgment. I have written an answer, which was despatched, by the general who commands here, about a week since. Copies of these papers I enclose; as, also, translations of three other documents relating to the privateer Quintanilla, addressed to Commodore Stewart, which came to hand at the same time. Presuming, for various reasons, that it would be the wish of the President that I should exercise the functions of my office here, I wrote this second letter; I feel some doubts about the result, though I had none as to the refusal of the first application. I hope I have not mistaken the views of the Government in the course I have pursued; but such have been the changes here, that we are, all of us, placed in a peculiar and difficult situation. I wrote to the Viceroy in Spanish, as there is no one about him who understands English.

In the mean time I have received the most courteous treatment from General Rodil, who has the entire military and political command here; he

has shown me, both before and since the answer of the Viceroy, the most friendly disposition, and has refused me nothing that I have asked of him in behalf of my countrymen; and in one case, by releasing some duties that had been already levied, although pressed with urgent wants of the service, and obliged rigorously to exact every species of revenue, he gave a very striking proof of the sincerity of his professions. It will, therefore, I think, appear that I have only done him justice in an article in one of the newspapers enclosed.

In a former letter, soon after my arrival, I anticipated, from the changes that had taken place, those mischiefs to our commerce in this sea which are now rapidly accumulating. The loss of this district, by the patriots, has occasioned a double injury, by enabling the royalists to fit out cruisers and the patriots to establish a vexatious blockade. Two corsairs, under the Spanish flag, sailed from Callao two months ago: one went to leeward, the other to windward. They have sent in two prizes under patriot flags, and last week one Swedish and one American brig; the former laden with timber, and bound from one port in Chili to another. I hear that one of the reasons assigned for her capture was, her having carried troops for the patriots in some expedition. The captain applied to Commodore Hull and myself for protection under the treaty with Sweden; but I showed him that the last treaty had repealed the separate article of the treaty of 1783, by which the mutual protection was stipulated. He will apply to the English commander, (there having been none here at the time of his arrival,) as I understand an agreement subsists between England and Sweden, similar to the one which formerly did between the United States and Sweden.

The American prize brig is called the *Nancy*, of New York; the vessel left home eighteen months since, and has been trading between different ports of Chili. On her present voyage, she left Valparaiso for Coquimbo, and the latter place for Huasco, with a cargo, partly belonging to the master, and partly on freight for American merchants at Coquimbo. When she was nearly discharged, the Spanish privateer, fitted out from here, appeared off the port and took possession of her; took out a quantity of wheat from a building on shore, put it on board, and sent her down here, where she arrived three days since. They took out some articles for the use of the privateer, for which they gave receipts, and treated the master civilly.

The day after her arrival, I called on the general to inquire into the motives for this capture, as the property was all neutral, and I could not find that the captain had done any thing improper. He told me that he had not looked into the papers, but that they would be examined by a committee appointed for the purpose, and a report would be made to him. Every thing, however, depends on him, for his powers are nearly absolute. I expressed my regret that any circumstance should arise to disturb the harmony that exists between the two nations; that, in this case, I hoped prompt justice would be done by his orders; that I could not now make him an official application, and only mediated as a friend; but that I would go on board the frigate to see Commodore Hull, who would write him on the subject. He assured me that he would not disturb the cargo belonging to the brig, (which, fortunately, does not exceed \$1,800,) but only take out the freight; and that he would do all, that depended on him, in favor of the vessel. I went on board the frigate, and, at the request of Commodore Hull, drew up a letter, in polite terms, claiming a prompt restoration of the

property, and compensation for the damages sustained. I do not know the answer.

If this capture is a commencement to carry into effect "the laws of the Indies," by which every vessel trading on this coast, without a Spanish license, was treated as a smuggler, the harbor of Callao may soon exhibit a formidable list of neutral vessels as prizes. Fortunately, the *Quintanilla*, commanded by a very vigorous freebooter, a remarkably fast sailing vessel, has been taken by a French corvette, the captain and crew put in irons and sent to Valparaiso, to be at the disposal of the French admiral. If a Spanish squadron, said to be on its way, should arrive in this ocean, I think we may apprehend an immediate enforcement of these "laws of the Indies," unless the forces of the different nations should simultaneously remonstrate against such an attempt to destroy, without warning, the whole commerce of neutrals, which has been hitherto openly permitted. Our own force, and that of the English, are, each of them, separately, inadequate to the protection of the trade of the two countries. We have only a frigate and a schooner; the English only a ship of the line, two frigates, and two corvettes, and one of the frigates is going to Europe.

The squadron of Admiral Guise, consisting of one frigate, one sloop of war, and two brigs, are to enforce a blockade, which is declared to extend from Ancon to the confines of Chili. I have never seen any official paper declaring this blockade. The vessels under the command of Admiral Guise have not, I believe, shown themselves any where but at Callao and Pisco. The first notice of the blockade being carried into effect, here, was the detention of the ship *America*, *Dekover*, of New York, by the Macedonian, at the entrance of the harbor. The mate of that ship got on board the *Franklin* at midnight, to mention her detention. Commodore Stewart was called up, and, in less than an hour, after various changes of officers, which were required by the sitting of a court-martial on board the frigate *United States*, both the *Franklin* and *Dolphin* were sailing out. The ship was released with a cargo that will, probably, sell here for \$220,000. The commander of the Macedonian said the intention of Admiral Guise was to be extremely "liberal," and only demand 25 per cent. of the value of the cargoes in port, as a duty on entrance.

This prompt and decisive step of Commodore Stewart set an example of resisting such a monstrous scheme as this for plundering neutrals, which could hardly fail of being followed. The two next vessels that presented themselves were English; and Captain Brown, of the *Tartar* frigate, went out and relieved them from detention. Next came two Americans, the ship *Huron* and brig *Rimac*; both of which had their registers endorsed, but were liberated by the frigate *United States*.

This floating custom-house was represented, by both the American and English commanders, to Captain Young, of the Peruvian brig *Congress*, (that came to assist in the blockade,) to be so utterly absurd and untenable, that he sent to them, a few days after, a new notification of a simple blockade of the port of Callao, "pursuant to the instructions of Admiral Guise;" thus substituting an entire exclusion from the port, instead of a ransom for entering. This step was taken, probably, after consultation with General Miller, a distinguished officer in the patriot service, who was on his way from Chili to join the army of Bolivar. My reason for presuming the order to have thus originated, and not to have been from the instructions of Admiral Guise, is, that ten days afterwards we heard that Admiral Guise

himself was at Pisco, executing the tariff blockade, by taking, with nice distinction, 6 per cent., as an export duty on the brandy that is exported from thence. The first vessel that suffered this duty was an English one, which paid the duty in kindly giving up 80 botigas of brandy to the admiral. As soon as this transaction was made known, Captain Prescott, in the English frigate *Aurora*, immediately went off to demand restoration. The frigate returned yesterday, without success; but the particulars I do not yet know, but I hope to hear them before I close this letter.

The English senior officer on this station at present, wrote, some time since, a letter to General Bolivar, remonstrating against the conduct of Admiral Guise; which, at that time, was supposed to be a plan of his own devising. Captain Hull, four days ago, sent off the *Dolphin*, having two valuable American ships under convoy, with Lieutenant Paulding, who was to go to General Bolivar's head-quarters, with a letter on this subject, remonstrating against such a plan of blockade, and asking the general what Government was answerable for any irregularities which might be committed under it. The general's reply may be expected in about three weeks. In the mean time, there are sometimes one, at others two, cruisers of the Peruvian squadron in sight; and at others, for an interval of several days, they disappear; and many vessels (among others, three Spanish prizes) came in during their last absence.

If this blockade were really a regular one, it seems to me to be most vexatious and unjustifiable. It has fallen wholly on the Americans and English: the first of whom openly acknowledged, and the others have secretly assisted, the nations who are struggling for independence. To American vessels, particularly, it is almost entirely ruinous; as their cargoes chiefly consist of provisions, which are liable to decay, and can find no other market when excluded from this. The vessels now arriving here began their voyage of 15,000 miles with the expectation of finding those very authorities in the place, who, after losing it by the grossest misconduct, are now stationed before it to forbid their entrance. The sudden blockade of a port in the West Indies, or in Europe, still left a vessel with many others open; but what alternative has an American ship, coming with a cargo of flour to Callao, when she receives her first warning, at the entrance of the port, that it is in a state of blockade? There is no other market to which she can resort. There is no pretence, either of besieging the castles, or of distressing their enemy; for there is no preparation for a siege. The castles are well known to be provisioned for two years; and the only distress will fall on the unfortunate inhabitants of Lima, where there are not 200 Spanish soldiers, and where half the population consists of the families and friends of persons in the patriot service.

The accounts of a battle are daily expected; both sides speak with equal confidence of their expected success: it is almost impossible to form an opinion on the subject. The forces may be presumed to be nearly equal. One of the reports of the day is, that General Bolivar has detached a body of troops to take possession of this city. At other times, it has been said that he would not come here at all, until the question was fully decided: that if he was successful in the first battle, he would follow the Spanish army in their retreat to Upper Peru, and there decide the fate of the country; for, if victorious there, Lima must fall, of course.

In the mean time, this city, at present containing between 40,000 and 50,000 inhabitants, and once so full of wealth and luxury, is now one of

the most wretched places in the world. Their resources have all been cut off; and, with means almost exhausted, every article of food is extravagantly high. Almost every family has suffered one of the greatest misfortunes of civil war—that of having its members enrolled in opposite embittered parties. Whichever side is victorious, there are a great number who have to fear the vengeance of the conqueror. And with this eventual prospect at no distant period, they are daily threatened by the bands of the Monteneros, who, hovering round them like vultures, are growing more bold as they find the garrison to be weakened, and have been three times within the bounds of the city the last week: so that a skirmish occurs every night; and it may be feared, from one day to another, they may come in sufficient force to take the city, and plunder and assassinate at will for three or four days.

The English force on this coast consists of the Cambridge, 84, Captain Maling, (who is the senior officer,) arrived this day at Callao; the Tartar and Aurora, frigates, the latter bound home; and the Fly and Mersey, sloops of war. The French have one corvette at Valparaiso; and it is reported that a fleet of several sail are on their way. There are now in the harbor of Callao ten sail of American vessels, (merchantsmen,) and about the same number of English; none of other European nations except one Genoese. Our last dates from the United States are by the frigate; and from Europe, to the middle of January.

I have the honor to be,

With great respect,

Your most obedient servant,

W. TUDOR.

To the SECRETARY OF STATE

*of the United States.*

P. S.—The Cambridge arrived last evening, bringing Mr. Rowcroft, the British consul; he called on me this morning, but the visit was a brief one, and I had no opportunity to say more than to exchange common compliments. I find, however, that he intends to follow my course, of addressing the Government which he finds in power. I have omitted to mention that I have the registers of American vessels in my keeping. I have received the answer of the general, demanding the release of the captured vessel. He says he will send him and me the decision as soon as possible; the answer, though not very definite, I think, indicates that he will be released.

(No. 1.)

[With Mr. Tudor's letter of June 7, 1824.]

*Translation of a note addressed to "Senor Don Guillermo Tudor," from the Viceroy of Peru.*

YUCAY, April 19, 1824.

As under this same date I have written to the commodore of the United States ship Franklin, on the contents of your official note, I enclose a copy of that communication in reply, offering you my respects and my sincere consideration.

God preserve you many years.

JOSE DE LA SERNA.

(No. 2.)

*Translation of a letter from the Viceroy of Peru to Commodore Stewart.*

YUCAY, April 19, 1824.

The Governor of Callao, and general commanding the troops of his Catholic Majesty which garrison that place and Lima, Brigadier Don José Ramon Rodil, in a despatch of the 2d instant, has transmitted to me the official note which you\* addressed to him from on board the ship Franklin, under your command, under date of March 28th; and, likewise, the letter which your brother-in-law, Señor Don G. Tudor, wrote to me at the same time.

Both communications are for the purpose of communicating to me the commission which the most excellent lord the President of the United States of North America (a copy of which is sent me) has sent forth in favor of Mr. Tudor, naming him consul general for Lima and the ports of Peru, with the objects which this same title, and the above-mentioned official notes, indicate.

I should at once have proceeded, with pleasure, to lend my approbation to the destination of the consul of the United States in these dominions of his Catholic Majesty, if I were allowed to do so by the laws which regulate the place I occupy; but, as by the nineteenth article of the treaty of friendship, limits, and navigation, concluded between the United States and Spain on the 27th of October, 1795, it was agreed by the high contracting parties that consuls should be reciprocally established, with all the privileges and powers which are enjoyed by those of other nations, in the ports where they reside, or are permitted to be, and no such consuls being known in Lima, or in any port of the Pacific ocean, from any nation since the discovery of America, it follows that I cannot admit a consul from the United States.

On the other hand, the provinces of the river of Plate, Chili, and Lima, being withdrawn from the dominion of Spain, and that of their legitimate sovereign, constituted independent governments by their own ephemeral authority, without being acknowledged by the other; and admitted consuls from some nations, that created them for the protection of their commerce and navigation, respectively.

This was precisely the state of Lima on the 3d of July, 1823, when the President of the United States named Mr. Tudor as consul general for this port and the others of the south; but, as circumstances have varied, by the taking of Callao and Lima by the troops of his Catholic Majesty, it follows that the appointment of a consul cannot take place in the present situation of Lima.

This being understood, and affairs being re-established in the state they were in before Lima was occupied by the rebels, I do not consider myself authorized to consent to a novelty unknown in the system of government which has existed here since the discovery of the new world. Following this course, if the United States pretend to the right of naming consuls in the ports of this integral part of the Spanish monarchy, they can direct their views to the Government of his Catholic Majesty; certain that, whatever directions I may receive from my sovereign in this respect, shall be reli-

\* The abbreviation used in the letter for this pronoun, is "V. S." In the note to me, the same was written by the Secretary, but altered, apparently by the Viceroy, to "Vd."



giously fulfilled. But, until that point is established, I repeat that it is not possible for me to recognise Mr. Tudor as consul, nor any other person, of any nation whatever; for, besides the reasons I have hinted above, according to an opinion which has been this day given me on this subject by the Attorney General of this viceroyalty, my recognising consuls in Lima and other ports would be a transgression against the sacred rights and privileges of his Catholic Majesty.

I trust to your discernment, intelligence, and prudence, for the full conviction which my reasons may inspire; and that you will be convinced of the just opposition I make to recognising Mr. Tudor as consul results from its not depending on my will to pass the limits of my authority; that I do no more than fulfil my duty, in expressing to you the motives which prevent me from acceding to your wishes, without this opposition being any obstacle to my acting with that justice and good faith which I glory in observing in every claim that may be made by citizens of the United States, which I will hear and resolve with that regularity which the laws prescribe, and without suffering, in any case, to be, in the slightest manner, disturbed or altered the sincere friendship and harmony which reign between both nations.

I seize this opportunity to have the honor of repeating to you the assurance of my respects, and the consideration you merit.

God preserve you many years.

JOSE DE LA SERNA.

(No. 3.)

*Translation of reply to the Viceroy.*

LIMA, May 25, 1824.

**MOST EXCELLENT SIR:** I have the honor to inform your excellency that I have received the note which you directed to me, under date of the 18th of April ultimo, together with a letter of the same date, for my friend and relation, Commodore Stewart; both of them relating to my appointment of consul for this kingdom, and which despatches were forwarded to me by General Rodil.

In the letter to Commodore Stewart, your excellency is pleased to state the reasons which prevent you from recognising me as consul of my country in this viceroyalty. After having examined them with all that attention which they require, I trust I shall not offend the delicacy of your excellency in offering some explanations, which, indeed, if I omitted, I should fail in my duty; I shall offer them with the greatest sincerity and respect, hoping they will be received with indulgence, and that your enlightened mind will appreciate them according to their merit.

The nineteenth article of the treaty of 1795, between the United States and his Catholic Majesty, does, in fact, provide for the establishment of consuls, "with the privileges and powers which those of the most favored nations enjoy in the ports where their consuls reside, or are permitted to be." On which your excellency justly observes, that neither in Lima, nor in any other port of the Pacific ocean, were they ever received. But a stipulation of such a general nature must necessarily be modified by events;

and it appears to me, that an article in the last treaty between Spain and the United States, finally ratified in 1821 by his Catholic Majesty, leaves the contracting parties the liberty of establishing consuls or commercial agents where their commerce may be found.

I allude to the thirteenth article, which is in the following terms : " Both contracting parties, wishing to favor their mutual commerce, by affording, in their ports, every necessary assistance to their respective merchant vessels, have agreed that the sailors who shall desert their vessels in the ports of the other shall be arrested and delivered up, at the instance of the consul, who shall prove, nevertheless, that the deserters belonged to the vessels that claimed them, exhibiting the document that is customary in their nation : that is to say, the American consul in a Spanish port shall exhibit the document known by the name of articles ; and the Spanish consul in American ports the roll of the vessel ; and if the name of the deserter or deserters who are claimed shall appear in the one or the other, they shall be arrested, held in custody, and delivered to the vessel in which they shall belong."

From this article I think it may be clearly inferred that, where ships of any nation, with their cargoes, are permitted to enter, consuls or commercial agents should also be admitted ; since, in a case of much importance, (which may often happen,) the aforesaid article does not provide a necessary remedy where no agent exists. It is, indeed, true that, when the treaty of 1795 was ratified, there were no consuls in the Spanish ports of these seas ; but it is equally so, that the entry of American cargoes was not allowed. Circumstances have induced the Government of your excellency to allow the entry of American cargoes ; and why should not the same circumstances cause the admission of a consul or commercial agent ; for, under the system of the United States, both signify nearly the same. Whenever the court of Madrid, or the Government of your excellency, shall determine to no longer admit the vessels of my nation, in that moment the powers which my Government have given will cease, and I shall only have to retire from this country, as will do the merchants of my nation.

I believe it will not be improper to make mention here of a very remarkable fact ; which is, that after his Catholic Majesty returned to Madrid, from Cadiz, and subsequently to having declared all acts and decrees of the constitutional Government to be null, he thought proper to name consuls for the ports of Pensacola and St. Augustine, notwithstanding the cession of the Floridas, in virtue of the treaty ratified by his Majesty in 1821, was stipulated under the aforesaid constitutional Government. Besides, the Floridas of which I am speaking are not independent Governments in regard to the United States, but approach as near to colonies as our political system will admit ; and, notwithstanding, his Catholic Majesty appointed consuls for them.

As your excellency believes that my Government named me only for the independent Government of Peru, it is my duty to explain what is the fact. The Government of the United States has never acknowledged the Peruvian republic ; of course, they were not anxious to nominate a consul ; particularly, to a Government which they had not recognised. In conversing with the Secretary of State of my country on this subject, I asked him, in case I should find Lima under the royal Government at my arrival, if I was not to present myself to it ? He answered yes, as very friendly relations existed between the United States and Spain.

Your excellency will also allow me to explain what are the chief functions of an American consul, or commercial agent, which differ greatly from those of consuls appointed by nations in former times, and even from those named at the present day by some powers. It is the duty of a consul of the United States to take care of the sick and discharged seamen of his country; to take into his charge the registers of American ships, as well to prevent an improper use of them by the masters, as to be responsible to the Government of the country; to give the necessary certificates to the captains for their proceedings; and for the regularity of their transactions, and for the necessary cancelling of custom-house bonds in their country, &c. &c.; but they cannot exercise any judicial proceedings, and their instructions explicitly prevent them from doing so.

Commercial agents of this nature, while they are of a direct necessity to the commerce of their countrymen, can create no fears to the Governments under which they reside; on the contrary, they are in many cases a great convenience to those Governments, because they take charge of mariners who are separated from their vessels, and who might not only become a burden on the country for support, but often create disturbances; and they may, in some cases, also serve to distinguish the worthy citizens of their country from intriguers, or impostors, who often assume that character.

In fine, I have to represent to your excellency, that colonies which have never separated from the Spanish dominion, such as Cuba, in its three ports of Havana, Trinidad, and St. Iago, Manilla, the capital of Luçon, and Porto Rico, have actually commercial agents named by the Government of my nation; and, consequently, your excellency will make no innovation in allowing one in this city.

I think I ought not to close this letter without acknowledging to your excellency the attentions and distinctions which have been shown me by General Rodil: his conduct has been most gentlemanly; and he likewise has given me such an agreeable idea of your excellency, that I regret very much the distance which prevents me from communicating with you personally. Whether I remain in this country in the character of commercial agent, or return to my own, I shall still be, with the greatest consideration and respect,

Your obedient servant,

W. TUDOR.

His Excellency DON JOSE DE LA SERNA,  
Viceroy of Peru.

(No. 4.)

*Letter from the Viceroy of Peru to Commodore Stewart, received after his departure.*

Cuzco, February 13, 1824.

Respecting the three protests of citizens of the United States which you were pleased to remit to me in your letter of the 3d instant, I resolved immediately that the subject should be committed to the examination of

those officers who are required by law to pronounce an opinion, and you may be assured that justice shall be done to the parties interested.

I have before me the note which Colonel Don Rafael Pero, commissioned by the general-in-chief of the army of the south, Don Geronimo Valdes, and approved by me, sent to you on the 5th instant, with the object of wishing you to explain the motives which impelled you to pursue the Spanish corsair General Quintanilla as a pirate, and respecting which you have made no answer; it is therefore necessary for me to say, that if, according to what I had the honor to declare to you in my letter of the 4th instant, you do not desist from your intention of pursuing the corsairs which, in the Pacific ocean, are cruising under the Spanish flag, and with a competent commission from his Catholic Majesty, it will be an open declaration, on your part, in favor of the decidents of these countries, and against the rights of the Spanish nation in them, as the acts which you have practised against the corsair General Quintanilla denote that you do not preserve neutrality; for which I request you to declare definitively your intentions and decision upon this matter, that, on seeing them, this superior Government may take all such measures as the national honor may require, and the duties of reciprocity demand; you being responsible in this case for the evils and injuries that may result, on this account, to the commerce and citizens of the United States, as well as the misunderstanding which may consequently arise between your Government and that of his Catholic Majesty. God preserve you many years.

JOSE DE LA SERNA.

To the COMMODORE of the  
U. S. ship *Franklin*.

A true copy:

EULOGIO DE SANTA CRUZ.

(No. 5.)

*Letter from the Viceroy of Peru to Commodore Stewart, enclosing him his order to the Governor of Chiloe to restore all the property captured by the Quintanilla.*

Cuzco, February 18, 1824.

In consequence of the protests of the captains, mates, and supercargoes of the vessels taken by the corsair Quintanilla, proceeding from Chiloe, which you have sent me in your official note of the 3d instant, the attorney general of this *high audience* has given his opinion on the case; and having prepared a despatch in exact conformity with it, and that of the general judicial authority, according to the regulations of our laws, I have directed the decree advised, which you will see in the adjoined copy which I have the honor to transmit to you, with that of the act of Congress of the United States, and the royal ordinance of his Catholic Majesty of January 14, 1819, and for the ends which are designated in the decision, which I transcribe on this same date for the political chief and commanding general of Chiloe, in order that he may observe, fulfil, and execute it in all its parts; for which purpose I shall provide him with copies of the above-mentioned protests.

This affair having been settled by me, according to the order and system of the Spanish laws, it only remains for me to reiterate to you the assurance of my respect, with all the consideration that you merit, and to refer you again to what I wrote on the 13th instant, in acknowledging to you the receipt of your aforementioned letter of the 3d; for which purpose I enclose a copy, that you may be again informed of its contents, if any accident should have prevented the original from reaching you. God preserve you many years.

JOSE DE LA SERNA.

To the COMMODORE of the  
U. S. ship *Franklin*.

(No. 6.)

Copy enclosed in the above, of the orders to the Governor of Chiloe.

*"Copy of the interlocutory decree, according to legal counsel, by the most excellent Viceroy of the kingdom."*

*"Cuzco, February 18, 1824."*

"Let copies be drawn up of the protests of the captain and mate of the brig *Winifred*; of the captain and mate of the schooner *Adonis*; and that of the supercargo of the brig *Frederick*, translated into Spanish, and be sent to the Governor of Chiloe: that collecting the inventories that may be formed, by the aid of those interested in the captured vessels, and of the captain and officers of the corsair *Quintanilla*. The order being acted upon conformably to the ordinance of the 20th June, 1801, for the development of the circumstances which have occurred in the capture of them, with all the documents relative to the same object: let information be taken in regard to all the excesses, violences, and robberies which are described; proceeding criminally against the perpetrators of them in a separate court, and on all the damages and losses brought on the proprietors, both in their persons and interests, examining all the witnesses possible in favor of the accused, and inform me of the result, with all the truth, specification, and brevity that are proper; retaining only those prizes in case of their being evidently lawful in his judgment and under his responsibility; and restoring them, in the contrary case, with every thing that appertains to them, without retaining the slightest thing, or exacting any fees from the persons interested, with reserve of their right against all who may be answerable for reparation of the damage and injuries.

"With a copy of this decree, that of the act of Congress of the United States, and of the royal order of 14th January, 1819, let information be given to the commodore of the United States ship *Franklin*, for his government and instruction.

"SERNA.

"EULOGIO DE SANTA CRUZ,

*"Secretary of the Cabinet of the Viceroyalty."*

"And the signature of the Attorney General of this viceroyalty, Don José Mariade Lara."

Copy of the original.

EULOGIO DE SANTA CRUZ.

No. 5.

*Mr. Tudor to the Secretary of State.*

FRIGATE UNITED STATES,  
*Callao Roads, July 11, 1824.*

SIR: By the English frigate *Aurora*, which takes this letter round the cape, I have sent a duplicate of my last despatch, the official returns of our commerce for the first six months of this year, and some other documents. I had ready for this opportunity, which I thought would have been delayed a few days longer. These papers are in Lima, and the vessel sails in the morning.

To explain the reason of my writing from this place, will serve to give some idea of the state of things here. The general who commands this district sent me an express to-day, to say that the commodore wished to see me, and if I would come down to Callao, might go on board: this is a particular favor, as all communication with the ships is now wholly interrupted. Admiral Guise is in the roads blockading the port with his squadron. One or two nights he has sent in boats to make attacks in the inner harbor, and, the night before last, burnt one and took three Spanish vessels. All the foreign merchantmen are at anchor, with their ships of war, out of reach of the balls of the contending parties. This state of active war produces much irritation, and, for the few last days, there has been a total interruption to all intercourse with the shore.

I informed you, in my last, of the arrival here of the brig *Nancy*, of New York, as a prize to a privateer fitted out from Callao: to-day, the privateer herself, with a valuable American ship, the *General Carrington*, of Providence, taken in the port of Quilca, also came in safely, passing the blockading squadron. The American ship had Spanish colors hoisted, and Commodore Hull immediately wrote to the Governor to inquire the reason of this outrage.

I inquired of General Rodil the reason for the capture of this ship: he told me he had not examined all the papers, but that she had landed powder and fire-arms in Coquimbo, an enemy's port; and she had also smuggled some goods in the port of Quilca. The captain and supercargo were not allowed to land to-day, so that I could obtain no other particulars. If this ship, which is said to be worth \$100,000, should not be burnt, or cut out, in some of these night attacks, I can have little hope for her acquittal, after such charges against her, when the case of the *Nancy* is considered. This vessel has all her papers in perfect order. The whole value of her cargo is not more than \$1,800; and it is obvious, from the documents, that she was only taken in order to send down some plunder which the privateer took on shore in the port of Huasco, where she was lying.

The general requested me last week to look at the papers of this case. (the Fiscal having given an unfavorable opinion,) and send him my observations upon it. This was done; and, fortunately, a variety of circumstances and official acts combined to prove, in the most perfect manner, that the testimony of an English sailor, one of the privateer's crew, who swore that he had worked on board of her a few months before, under patriot colors, was an open perjury. The general, in his letter, replied to me, that my remarks appeared just, and he should be glad to have her acquitted; but to-day he informed me that one of the officers had declared that the

case looked badly. If she is condemned, I cannot imagine that any vessel can be cleared.

If a change does not speedily happen to terminate the dissensions of these countries, our commerce will be subjected to great risk: and if the Government determine to protect it, more force will be necessary, and more explicit instructions to the commanders. Five vessels, at least, will be wanted between Chiloe and Mexico; at the same time, it would be extremely desirable to combine, if possible, some mode of proceeding between the forces of neutral nations. The *Quintanilla*, whose captain acted so like a pirate, was captured by a French sloop of war, which she fired upon. Yet the property of all Frenchmen in Upper Peru, to the amount of \$400,000, was taken possession of by the Government, to await the decision of the case, and they themselves held as prisoners on parole.

We are in daily expectation of the news of a battle between Generals Bolivar and Canterac. The forces of the parties are nearly equal, and both speak with equal confidence of the expected result. But all the events of the war will reach the United States much sooner from other quarters, and I therefore forbear to dwell upon the subject.

The *Dolphin* returned two days ago, bringing answers to Commodore Hull from General Bolivar, saying that he would be answerable for the money taken from the American ships, as a fine or ransom, by Admiral Guise, whenever the affair could be investigated, if it should appear that his conduct was improper. It enclosed, also, a copy of the last orders to him, prohibiting the levy of any duty on vessels bound in or out, and directing that he should consider no port in a state of blockade, before which he had not a vessel stationed. Callao and Pisco are, I believe, the only ports now blockaded.

An American seaman, by the name of Henry Hudson, of Rappahannock county, Virginia, called upon me in distress, and died of consumption in Lima, about a month ago; he had served in the squadron under Commodore Decatur, in the Mediterranean, and came out to Chili boatswain, of a brig, from Baltimore. I had been told that a brother of his died a short time since at Guayaquil. They may possibly have friends, to whom this notice may be interesting.

The following ships of war are now lying here, besides the frigate *United States* and the *Dolphin*: the British ships, *Cambridge* S4, *Tartar* frigate, and *Fly* sloop of war; the latter sails to-morrow for Valparaiso. The Peruvian squadron consists of the *Prueba* frigate, *Admiral Guise*, and three smaller vessels. They have detained several English vessels, but none belonging to the United States.

I hear that a few newspapers have been received from home into March, and it is said that the bill against transporting money in ships of war has passed. This induces me to repeat here an opinion that was developed at large in former letters—that our policy, instead of prohibiting the transportation of money, should be to encourage it to the utmost, under proper regulations. If it be an object with the Government to extend our commerce with these countries, and to increase the consumption of our manufactures, or even to preserve the share we now have, two objects must be immediately attended to: first, to give every facility to the transportation of specie in our ships of war; and, secondly, by a new arrangement of our naval force, to keep a ship constantly going and coming between the United States and South America. For the receipt and transmission of intelligence,

as well as for the deposite and remittance of specie, we are now almost wholly dependant on the English ships of war ; and the commerce between our country and this will rather diminish than increase, if a different system be not speedily adopted. I earnestly hope that this subject will be considered on a large scale ; our present policy is excessively injurious to our interests.

On our glorious *Fourth*, the few Americans in Lima dined, by invitation, on board this ship, as did all the English commanders, and some of their lieutenants. The awning under which we dined was composed of the American and English flags, the first time, I presume, that they were ever blended on that day. Being Sunday, the festivity, according to the customs of both nations, was moderate in its tone. The experiment was a delicate one, but succeeded most harmoniously, and seemed to give mutual satisfaction.

I have the honor to be,  
With high respect,  
Your obedient servant,  
**W. TUDOR.**

To the SECRETARY OF STATE.

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No. 6.

*Mr. Tudor to the Secretary of State.*

LIMA, July 19, 1824.

SIR : I enclose a return of the American commerce at the port of Callao, for the first six months of the present year. I have noted on the report itself the causes of its imperfection.

In the short period since my arrival, my attention has been drawn to the subject of our seamen, on which I have addressed a few thoughts to the Secretary of the Navy. It has occurred to me that some new regulations are requisite to prevent abuses.

1. That masters should not be allowed to engage seamen with liberty to discharge them in foreign ports, as this saves them from the condition, provided by law, of paying three months' wages ; and the sailor is so ignorant and thoughtless, that he will sign any articles that are presented to him.

2. That more regular reports should be made of the sailors who desert from their vessels, and the consuls not be bound to provide for them in case of having deserted.

3. That some discrimination should be made with regard to the sum to be paid for the passage of a sailor. Ten dollars, the amount now provided in all cases, may be sufficient or very liberal pay from a port in the island of Cuba ; but it is wholly inadequate from a port on the western shore of this continent. There seems to be an expediency for establishing a regular scale, according to the situation of the port where the sailor is shipped.

I have the honor to be, sir,  
With great respect,  
Your obedient servant,  
**W. TUDOR.**

To the SECRETARY OF STATE.

P. S.—The frigate United States sails to-day for Huanchaco. The Peacock not arrived.



No. 7.

*Mr. Tudor to the Secretary of State.*

LIMA, August 20, 1824.

SIR: In my letter No. 5, dated June 7th, I mentioned my having replied to the Viceroy's first letter to me on the subject of my commission. That letter alluded briefly to the motives which made me think it expedient to ask for a recognition from the Spanish authorities who held possession here. As Mr. Prevost was at Truxillo, near the Patriot Government, our interests would be sufficiently protected in that quarter, where our commerce was almost nothing; and as my functions were not political, my acting here could give no reasonable offence there; while my keeping on good terms with the Spanish Government might be of some use to my countrymen, as this district is the centre of their commerce. The second answer of the Viceroy is in a very different tone from the first; and, although circumstances may make his good will of only temporary value, it may prove useful in some cases.

The English consul has not yet received any answer to his application. The following is a translation of the Viceroy's last letter, which was received by me on the 1st instant:

*Translation of the Viceroy's letter.*

Cuzco, July 3, 1824.

"Having heard the Assessor General of this viceroyalty, on the contents of your letter of the 24th of May last, (for, in subjects of this nature, I cannot decide without his opinion, conformably to the laws,) I transmit to you what he has said, with a copy, also, of the law referred to.

Cuzco, July 1, 1824.

"MOST EXCELLENT SIR: The Assessor General says that, however strong and consistent the reasons may be, on which Mr. Tudor relies for being received and recognised as consul of the United States in the ports of the South sea, your excellency is not authorized to grant your permission; because, by the law 6th, *tit. 11, lib. 6<sup>a</sup>*, of the latest abridgment, his Majesty reserves to himself, 1st. The deciding on the necessity or convenience of establishing them where they do not exist, by reason of the commerce of the nation which names them having augmented; and 2dly. To dispense to them his royal approbation; for which purpose, every one so appointed must solicit it, presenting his original commission, with an authentic translation in Spanish. By the royal order of April 21, 1807, the Viceroys are cautioned not to admit into the ports of the Indies, consuls, agents, or representatives of foreign nations, however important may be the motives for it.

"Your excellency being provided with a certified copy of the above law, may answer Mr. Tudor, that he may be made acquainted with the forms that must precede his admission and recognition; it being also understood that similar commercial agents shall have been admitted in these ports of Spanish America.

"JOSE MARIA LARA."

## "LAW 6.

*"Don Carlos 3d en el pardo por decision 1 de Febrero, 1765.—Regulation of the requisites for the establishment of consuls and vice-consuls; immunities and exercise of their authority.*

"Various doubts having arisen respecting the requisites necessary for consuls and vice-consuls of foreign powers to fill those offices in the places and ports of my dominions, where they have formerly resided with a royal patent of approbation, as also in regard to the immunities and privileges that have been conceded to them, I have thought proper to approve the regulation upon this subject which has been proposed to me by the Committee of Commerce and Foreign Affairs, in council, the 30th July, 1763. whose provisions are the following: That the consuls, to obtain my royal approbation, must present their original commission, with an authentic translation in Spanish, and with these documents a memorial of what they solicit; that they must prove that they are native subjects of the Prince or State which appoints them, without its availing them to have been naturalized in his dominions; and they must not be domiciliated in any of those of Spain; and the same must be practised and shown by the vice-consuls, except the qualification required from consuls of being native subjects of the power that they have to serve, which may be dispensed with in the case of the vice-consuls; that both for consuls as well as vice-consuls, it is indispensably necessary that they should solicit the royal approbation, without which requisite they cannot be admitted to the exercise of their office; that where there may be a necessity of establishing consuls or vice-consuls on account of the commerce of the nation that names them having augmented, they may have recourse to my royal person, that, being convinced of the necessity, I may grant the favor, if I think it right, to dispense it to those who have not had it in times past; that, as consuls hold no other rank than that of mere agents of their nation, which they properly are, and therefore enjoy military exemption as those of other travelling strangers, let it be understood that they are only exempted from furnishing quarters, or rations, or other personal burdens; but, at the same time, if the consuls or vice-consuls traffic, by wholesale or retail, they may be treated like any other foreign individual who carries on a similar commerce; that their houses can enjoy no immunity whatever, nor can they affix, in any public situation, the arms of the Prince or State that names them, and they may only on their towers, or roofs, or other parts of their houses, place some signal to manifest to their countrymen which is the house of their consul; they cannot exercise any jurisdiction, even among the subjects of their own sovereign, unless it be to compound, extra-judicially and amicably, their differences; in which case, the judiciary of the kingdom shall give them the aid that may be necessary to carry their arbitrations and extra-judicial decrees into effect, distinguishing them, and awaiting them in its regular proceedings; and, lastly, in the vacancies of consuls or vice-consuls, or where they do not exist, it will not be permitted that any fees of a consulate should be recovered; declaring, to avoid all doubt, that it is not in the power of consuls to name other agents than those which may be necessary for their personal or domestic affairs, since persons belonging to their consulates or vice-consulates which they may place, with my royal approbation, where it may suit them, having powers so to do, must act for themselves, and not for another person."

"By the principles on which the said opinion is founded, and by what is prescribed in the law, you will be convinced that it is not lawful for me to allow that you should be admitted or recognised as a consul of the United States in the ports of the South sea, without having, for this purpose, obtained the royal permission which his Majesty has reserved to himself to concede. I believe, in consequence of what you have shown me, however, that, in the royal instructions and orders which I daily expect, the whole business will be settled; and it appears to me that, in the mean time, you can remain in the district under my command, without the character of commercial agent of your nation, certain that I shall be well satisfied with you, and that there will be shown you all that consideration which is deserved by the intimate relations that exist between Spain and the United States, *y las bellas cualidades que estoy informado adornan á V.* Under this impression, you may rely in every thing that depends on me, and that nothing will be more grateful to me than, on all occasions which may offer, to please and serve you in the manner you merit.

"God preserve you many years.

"JOSE DE LA SERNA."

I have the honor to be, sir,

With high respect,

Your obedient servant,

W. TUDOR.

To the SECRETARY OF STATE.

No. 8.

*Mr. Tudor to the Secretary of State.*

LIMA, August 24, 1824.

SIR: I take the advantage of a vessel bound to Guayaquil to write this letter, with the hope that there may be some opportunity of forwarding it by the way of Panama.

The present moment is a very critical one, and the anxiety of all parties at its height. On the 16th instant, a combat took place between the patriots and Spaniards, which ended in the triumph of the former. It appears that General Canterac, who, for the last year, has had his head-quarters at Huanayo, near Jauja, moved forward to meet the patriot army, which had descended the Cerro de Pasco, and had traversed the pampas of Reyes. Two leagues in advance of that place, the advanced divisions of both armies encountered each other; and, after an obstinate combat, the Spanish force was worsted, with a considerable loss—three hundred they admit themselves, the patriots say much more. It was not a general action, but principally between the cavalry; and, as it was on this arm that the Spaniards chiefly relied for their superiority, it augurs badly for them that they should have been defeated. They retreated twenty leagues with precipitation, night and day, closely followed by the patriot army, to take up a position previously chosen, at the bridge of Irecuchayna, on the Apurimac; here the Viceroy, who left Cuzco on the 5th instant, and Valdez, are to join them with reinforcements. The official despatch of the patriots was dated the 7th instant; the Spanish general here has dates to the 13th, but nothing

more is known; it is fair, however, to presume that the Spaniards have met with no subsequent success, or it would have been gladly proclaimed here.

In the contradictory and confident assertions of both sides, it is difficult to get at the truth, but the aspect of affairs has essentially changed in favor of the patriots within the last three months. The great exertions that have been made by the patriot Government of Colombia, and the energy and ability of General Bolivar, have brought forward an army filled with enthusiasm, and probably numerically stronger than the Spaniards can collect. General Bolivar is said to have with him between twelve and thirteen thousand men, besides having reinforcements coming up. The Spanish force, after the junction of La Serna and Canterac, will not exceed the patriot army in numbers, and are inferior to it in character, and much more liable to revolt and dispersion; for, although the Spanish officers have done wonders in collecting and disciplining their force, they cannot infuse any enthusiasm into their followers for the dominion of Spain. With the exception of a very few Spaniards, their ranks are composed entirely of Indians and negroes: the former are prone to disperse after every action, and carry off their arms with them.

In the mean time, the Spanish general commanding in this district has removed all the public property from the mint and elsewhere to the castles of Callao; and the small garrison that remains in the city is ready to evacuate it at a moment's warning. The *Montaneros* have made incursions in its immediate vicinity the two last days for the purpose of pillage, and the approach of some patriot force is now daily expected.

This city has been exposed to dreadful disorders, from its populace and the savage *Montaneros*, on former occasions of a similar nature. The civil Governor evacuates with the garrison, and an entire suspension of authority follows; for the alcaldes and watchmen, having no point of support, abandon their posts, and shut themselves up in their houses like the rest of the inhabitants. No vestige of public spirit, which might combine the citizens for mutual support in such an emergency, is to be found here. Each house prepares for a separate defence, as well as it can; but the foreigners are better able to protect themselves, as they are provided with arms, of which the other inhabitants are destitute. Under these circumstances, the commanding general, last week, spontaneously proposed to the American and English commanders, as he could no longer be responsible for the safety of their countrymen after his troops evacuated the city, that they should send up a force of marines for their protection. The captain of the Cambridge, (84,) the senior English officer in this sea, immediately sent up three officers and one hundred and ten men, who were put into fine quarters here, and have since received rations from the Spanish general.

Commodore Hull declined taking the same course, for several reasons, but he offered to send up a few sailors, under the charge of an officer, to be distributed in the houses of his countrymen; on consulting with them, I found they were afraid they could not manage the sailors, and have, therefore, only requested the loan of some arms and ammunition. It may be hoped that the disorders will not be so serious as on a former occasion. It was at first understood that the English marines would remain concentrated, and, in that case, the alcaldes and watchmen would have kept their posts, having a military force to rely upon, and this small corps might have protected the whole city. There seem, however, to be some objections to

this course ; and I understand, from Captain Maling this morning, that they are to be dispersed in the houses of the English residents.

A reflection obtrudes itself here, irresistibly : the last news we have here from Europe contains the correspondence of Mr. Canning on the subject of South American independence, and the debate in the House of Lords on the Marquis of Lansdowne's motion. Lord Liverpool, in his answer, leaves less hope of a speedy recognition on their part, than was caused by the able letter of Mr. Canning, in answer to the Conde d'Osalia. It appears, however, that the cabinet has definitively resolved to acknowledge the independence, and only defer "the mere form" out of delicacy to the Spanish court. Yet, for want of this form chiefly, these countries are kept in a distracted state ; this large city, and many others, are plunged in wretchedness ; and thousands of brave men are to waste their blood on the sands of Peru.

The blockade of the port of Callao, which had been properly maintained for two months, was given up about ten days since, and has not been renewed. It is, however, said it is to be resumed, though with a force that, Captain Maling writes me to-day, he thinks insufficient for the purpose. In the interval, six American vessels have entered the port.

Of the two American vessels, which I informed you in previous letters had been sent into Callao by a Spanish cruiser, the brig Nancy has been condemned, and the ship General Carrington, of Providence, undoubtedly will be. The value of the Nancy and her cargo was not more than eight or nine thousand dollars, both together ; her papers were perfectly in order, and the case is one of flagrant injustice. The ship, with her cargo, is worth about one hundred thousand dollars ; and as she had landed powder and arms in Chili, her condemnation, under the treaty of 1795, will be more difficult to be set aside. The Spaniards have now no cruisers at sea ; the last that was out received so much injury from straining, while chased by the frigate United States, that the captain afterwards burnt her in the port of Quilca. ✓

The supercargo and officers of the Carrington were imprisoned, and not allowed to communicate with any one. When I took down to the general a copy of the seventh article of the treaty, (of which I had previously given him an entire copy,) he said he had nothing to do with it. I asked him how a Spanish officer in his situation, or their courts, could be exempt from the obligations of that treaty. He replied, that they knew nothing of treaties ; that they were only bound to follow the instructions which the Viceroy received from his court. This was, in other words, to say that they cared nothing for the present state of these countries, or of the commerce on these coasts ; that the laws of the Indies were their only rule, and the instructions to the Viceroy, dated several years since, their only guide. Such are the proceedings and policy of the Spanish administrators.

August 26.—I was yesterday at Callao, and saw General Rodil ; he told me Commodore Hull had written to him respecting the Carrington ; but that she must be condemned, as the Nancy had been ; and that, if we were injured, we must look to Spain for redress. A vessel arrived yesterday from Quilca, and at length we have certain accounts of the Asia, which, with the brig Achilles, is at Chiloe, where they arrived in May, and were waiting to be joined by two French frigates, manned with Spaniards. The Asia has one thousand and fifty men on board. Two officers

from her had reached Quilca ten days since ; they were refitting the miserable vessel they came down in, to return with the Viceroy's orders, which cannot reach Chiloe before October. It is, therefore, probable that the Asia may arrive here just in season to take back to Spain the chiefs of the army, if the campaign should be decided against them.

The Spaniards have three armed vessels at Callao : two brigs of fourteen and eighteen guns, and the ship Esther, formerly belonging to Mr. Dorr of Boston, which they have absurdly armed as a two-decker to carry thirty-two guns. These vessels it is the intention to keep in port till the Asia comes down. If the patriots do not conquer Peru this campaign, and the Spanish squadron be actually reinforced by the frigates expected, they will then have a force of seven vessels of war, and men enough to fit out two or three more. In such an event, nothing but the positive resistance of the American and English squadrons could prevent our whole commerce from being swept away from these coasts.

I am writing by Captain Carter of the Peacock, who, I understand, returns home, and proceeds in the Dolphin in a few days to Valparaiso, on his way.

I have the honor to be,  
With high respect,  
Your most obedient servant,  
**W. TUDOR.**

To the SECRETARY OF STATE.

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P. S.—August 29.—Admiral Guise, in his own ship, with the schooner Macedonian, has resumed the blockade of Callao to-day. Further news from the officers of the Asia say that she is ordered to remain at Chiloe till joined by the Guerrero, an eighty-gun ship. No further news from the armies.

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No. 9.

*Mr. Tudor to the Secretary of State.*

LIMA, September 1, 1824.

SIR.: In addition to my letters forwarded by this same opportunity, I have only to state that the report of a second and decisive action having been fought on the 20th ultimo at Huancavelica, seems to be credited. The battle is said to have been severe, and that the Spanish army was totally routed, and nearly destroyed, and that Canterac had given orders to all the Spanish officers to make the best of their way to join him at a place near Cuzco. The Spaniards had withdrawn all their troops from Arequipa ; and letters I have received from there to the 14th ultimo, although they knew nothing of the first action, or of the advance of the patriots, seem full of distrust and apprehension at the state of things. The Spanish officers and troops have abandoned all the places on the coast as far as Pisco, inclusive.

I have the honor to be,  
With great respect,  
Your obedient servant,  
**W. TUDOR.**

To the SECRETARY OF STATE.

No. 10.

*Mr. Tudor to the Secretary of State.*

LIMA, September 18, 1824.

SIR: I have the honor to enclose copies of two letters which recently passed between General Rodil and myself. His letter was a circular addressed to the English commanders and consuls. This letter seemed to me extraordinary, especially when the mild character of the governor is considered, who has only been allowed to hold the mere semblance of power; and, as such an unqualified and bitter denunciation of all foreigners might well serve to prepare the way for a general proscription, I thought it my duty to protest against it immediately. I have received no answer to my reply, or to the other topics of my letter.

The brig *Nancy*, of New York, has been finally condemned. The case of the ship *General Carrington*, of Providence, was not concluded yesterday, but, I have no doubt, will share the same fate. Commodore Hull sent up protests, and a demand for restitution in both cases, to the Viceroy, by the *Peacock*, which sailed for *Quilca* about ten days since. The Spanish Government, however, is so pressed for funds, and the country is so exhausted, that there can be little hope of recovering any property from their hands.

The Spanish ship *Asia* and brig *Achilles* reached Callao on the 12th instant, in exactly eight months from Cadiz. The former mounts seventy guns, with upwards of seven hundred men. The brig is a very fine French corvette of twenty guns. There were in the harbor two brigs carrying fourteen and eighteen guns, and one ship of twenty-eight; these sailed out to meet them. Admiral Guise, who was lying at anchor in the outer roads when they were first discovered, slipped his cable and sailed out to meet them with three vessels—his own frigate, carrying fifty guns; a ship filled up with lumber, her guns stowed in her hold; and a brig with six guns. He fell to leeward, and could not reach the Spanish squadron, but hove-to for them to go down to him, which they declined doing, though with such an immense superiority of force. They are all quietly anchored under the guns of the fort, and make no effort to attack Guise, though he is in sight of them every day. They have attempted to shelter their conduct under the absurd pretence that on the day they entered, they took the United States for an enemy's frigate, and treated the commodore rudely in an official visit of ceremony. He, however, repulsed this treatment very properly; and, if they do not retract their assertions, is resolved to make their conduct very widely known, by publishing a little chart of the harbor, with the positions of all the vessels laid down.

The arrival of these ships produced the most extravagant joy at Callao, where the adherents of the Spaniards are now all collected, under the protection of the castles. The most unmanly boasting followed, in language unequalled for its scurrility and obscenity: as you will see by the enclosed gazettes, written by a Spaniard named Riaco, who is a particular favorite of the Spanish Government, and holds several employments under them. An allusion is made, in one of the papers, to the accusation against the frigate *United States*. I have been assured that, in the drunken orgies which took place, it was openly proposed to use the knife, at once, against all English and Americans; though it dwindled to a petition to General Rodil to banish them from the country, which he would probably treat with the same contempt he has previous propositions of the same nature.

We have no news from the army of General Bolivar since the 23d ult., when the advance was at Huamanga, and the head-quarters at Huancayo, near Jauja. This delay inspires a good deal of uneasiness; and there is no immediate prospect of the occupation of this city by the patriot forces. Persons who have come from the head-quarters of the patriot army say that they have no expectation of terminating the war this campaign; and that the rise of the rivers prevents any decisive movements till the next campaign. If so, the Spaniards will again be able to assemble a respectable force; and the war may be prolonged indefinitely. The whole country, and this part of it more especially, is daily exhausting, and verging towards the extreme of misery.

May I be permitted to suggest the expediency of a revision of the consular fee-table; at least, so far as to settle the practice of taking fees for the charge of registers? The whole amount of fees received by me has been \$120; of this sum, all but \$36 has been derived from a charge of \$10 for taking care of the registers. Finding that other consuls received a fee of this kind, I have done the same; but it seems entirely arbitrary, and it is an unpleasant feeling to take a fee, the right to which may be equivocal.

I have drawn on you at sight, under date of the 16th instant, in favor of R. H. Gardiner, Esq., for \$100, on account of moneys advanced for the support of distressed American seamen. I will furnish my accounts at the end of the year. The amount I have already paid exceeds this sum.

I saw, two days since, for the first time, the Truxillo Gazette, of the 11th of June last, containing a miserable libel against me; which, doubtless, will be published throughout the United States. The charge intended to be insinuated (that I received a certain vessel, as a reward for my *servility* to the Spaniards) alludes to the brig Frederick, which I purchased, in conjunction with Nixon and McCall, (an American house here,) of her owner, Captain Burroughs, who returned home in the Franklin. Commodore Stewart was acquainted with the whole transaction; and he, I trust, will have obtained and printed Captain B.'s deposition. I consider my duty to the Government, as well as to myself, requires this explanation.

The frigate United States and the British ship Cambridge are in the roads of Callao. The Spanish squadron, of five sail, are anchored in the inner harbor. Admiral Guise is outside the island of San Lorenzo, with a frigate and two smaller vessels; and eight sail of American, and nearly the same number of English merchant vessels, are in the outer roads.

I have the honor to be, sir, with high respect,

Your obedient servant,

W. TUDOR.

To the SECRETARY OF STATE.

[With Mr. Tudor's letter of September 18, 1824.]

*Translation of General Rodil's letter to W. Tudor; similar ones being also sent to the British consul, and to the commanders of the American and English squadrons.*

REAL FELIPE DEL CALLAO,

September 4, 1824.

Considering you, sir, as a person of the first influence among the citizens of your nation residing in this province, I find myself obliged to com-



municate to you the request which has been made to me, under date of the 3d instant, by the political Governor of Lima, the Count de Villar de Fuente, on the sacred subject which is explained in it; that, by taking it into your consideration, you may endeavor to remedy, as far as possible, the scandal of which the count complains.

Neither in my public nor my private character can I see with indifference the scandalous profanation which the holy sanctuary of our churches is suffering from foreigners. Your excellency knows better than I, the civil and polite deportment which should be observed among the diversities of worship which blinded nations adopt, and which Catholics, though well persuaded of their fanaticism, observe. And if they also preserve a corresponding composure and exterior circumspection, when, led by curiosity, or any other motive, they enter those temples where the true God is not worshipped, why should not Protestants, or heretics, observe the same politeness when they enter into ours? Every day this Christian people perceives the contempt with which our sacred mysteries are treated. And while offering the proper adoration of their faith to the august sacrament, in the most solemn festivals, even then, these strangers, making a contrast of their different opinions, manifest the highest contempt, with impudence and impurity; going so far as to cover themselves before the divine majesty itself, and insulting the faithful in the holy celebration of their most sacred dogmas. It is necessary to make known to these uncivil strangers that the irreligious flags of the patriots (*la patria*) no longer wave in our territory, but the virtuous ones of the Catholic King, that they may adjust their conduct to those duties which order and the high policy of nations require. And as we now happily find your excellency placed at the head of the military and political Government of this province, your excellency is more immediately called upon to justify the sacred confidence of the sovereign, in a matter that has always deserved his royal vigilant attention and watchfulness, as well as those of our most excellent Viceroy and General-in-chief. If your excellency thinks proper to communicate officially to those representatives of foreign powers, existing here, with that energy, decorum, and efficiency (*energia, decoro, y acierto*) which are characteristic of you, these abuses, of such transcendant mischief, (*primas transcendencias*), will, without doubt, be reformed. Your excellency will, thereby, give a testimony worthy of a distinguished Spanish chief, and the most decided protection to all the inhabitants, who now recognise, in the provident and moral government of your excellency, the safeguard of the laws.

I have the honor to repeat to your excellency the assurance of my respect.

God guard your excellency many years.

JOSE RAMON RODIL.

To Sr. DON GUILLERMO TUDOR,

*Consul nombrado por los Estados Unidos para el Peru.*

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*Reply to the preceding letter.*

LIMA, September 6, 1824.

GENERAL: I had the honor of receiving, yesterday, your excellency's letter of the 4th instant, containing a communication from the political

Governor of Lima, the Count de Villar de Fuente; which I have read with the greatest surprise and regret. I have vainly endeavored to ascertain, and am unable to imagine, what conduct, on the part of foreigners in this city, can have given rise to such a harsh and indiscriminate denunciation of them, in such phrases as the following: "*scandalous profanation of churches,*" "*blinded nations,*" "*contempt of sacred mysteries,*" "*impudence and impurity,*" "*insults to the faithful,*" "*uncivil strangers,*" "*abuses of such transcendent mischief.*"

In regard to the citizens of the United States, it is my duty solemnly to protest against this language as applicable to them. The vast and splendid churches and convents of Lima are, very naturally, objects of admiration to them; and it may happen, through inadvertence, that they may enter these at an inopportune moment, and, from the same motive, fail of complying with some of those ceremonies which are expected and rendered by all. But in such a case, I am sure that a suggestion from any of the attendants would be immediately followed, with thankfulness; and I declare that I do not know any of my countrymen in Lima, who are capable of wantonly insulting the feelings of the inhabitants, by treating with intentional disrespect any object which they may hold sacred.

In the United States, the most perfect and absolute religious toleration exists; in all the towns, churches of different communions are to be found together. The civil Government, in matters of faith, considers men responsible only to their Creator; and, while it protects equally the rights of all, declines, and, in fact, is prohibited by our constitution, from according any exclusive preference. No sect, therefore, being either favored or persecuted, there being neither oppressor nor oppressed, but all the citizens worshipping the same omnipotent God and divine Saviour of the world, though with different forms, are exactly equal in the eye of the law. I mention these facts, only to show that my countrymen, being accustomed to see all sects enjoying equal privileges, and treating each other with mutual respect, and judging of men, not by their particular belief, but by their general conduct, cannot be supposed likely to treat the Catholic religion here with disrespect, among whose professors, in their own country, they have left neighbors, friends, relations, and fellow-christians.

It remains for me only to say, that feeling, as I do, the most sincere respect for the Count de Villar de Fuente, whom I have always heard described as remarkable for his moderation, virtue, and wisdom, I am more surprised at such a general denunciation of foreigners. I am confident there must have been some mistake in the representations made to him on this subject; but if a man of his character, who, in his situation, has all strangers placed under his protection, thus covers them with such reproaches, without distinction, what might not be expected from the pious but mistaken zeal of ignorant people, if once stimulated to consider foreigners as guilty of sacrilegious insults? the cruelty and injustice of such general proscriptions might then be shown very strikingly in the case of my countrymen. There are, among the officers of the squadron, some Catholics; and as that bounteous Providence, who provideth for all his creatures, has fixed no distinctive mark on the Catholic and the Protestant, these individuals, who by their dress and language would be marked as foreigners, might fall victims—Catholics killed by Catholics, in a moment of popular phrenzy.

I entreat you to represent these considerations, with the utmost respect

on my part, to the Count de Villar de Fuente. I will do every thing that depends on me, to caution my countrymen against giving any offence to the amiable people among whom they reside; and I, in my turn, must appeal to the same "*energia, decoro, y acierto*," which the count so justly describes as distinguishing your administration, to afford them the same security and protection which the subjects of Spain everywhere receive in the United States.

I have been reluctant, of late, for many reasons, to trouble you with applications; but I must take this occasion to represent that there are on board the ship General Carrington a few cases of silks belonging to a very respectable merchant, a particular friend of mine in Boston, which were recommended to my attention when I left the United States. These goods were shipped in Chili, for this market, and, being entirely independent of the property of the vessel and her cargo, ought not to be subjected to the decision in her case, if unfavorable; I, therefore, hope you will order them to be delivered to me.

I regret to learn, that in the attack made by the gun-boats yesterday, a ball from one of them killed a sailor on board the American ship Governor Clinton, and carried off the arm of another of my unfortunate countrymen. As the man is disabled for life, through this unlucky accident, I hope he may be considered an object of your excellency's benevolence.

I have the honor to assure your excellency of my high consideration and respect.

God preserve your excellency many years.

W. TUDOR.

To General DON JOSE RAMON RODIL,  
*Military and Political Governor of the province of Lima,  
Castles of Callao, &c. &c.*

No. 11.

*Mr. Tudor to the Secretary of State.*

LIMA, September 27, 1824.

SIR: Since my last letter, of the 18th instant, we have had very important news from the armies. A bulletin, of the 27th ultimo, contains an account of various minor successes, in the capture of small parties of the Spanish troops, arms, ammunition, &c. It states the spirit of the Spanish army to be entirely broken, and its ranks reduced, by desertion, to 2,500, or at most, 3,000 men. Their retreat is made with such rapidity, in the direction of Cuzco, that they think the campaign will be terminated without another battle. General Bolivar was, on the 26th of August, at Huamanga, and the whole army moving forward with as much expedition as possible. This paper speaks with the utmost confidence of "the fate of Peru being fixed," and that the "war will irrevocably be terminated this year."

Other accounts confirm this important intelligence. An intercepted letter of General Canterac to General Rodil, after the battle of the 6th August, speaks in such terms of the consequences of that affair, and the state of his army, as fully corroborates all the assertions of the bulletin. An American ship arrived yesterday from Quilca, and letters by her, from Arequipa, say

that the Viceroy had abandoned Cuzco, (which has no doubt been entered by the patriot army before this date,) to retire to a mountainous position about thirty leagues distant; that a considerable part of the army, under Valdez, had passed over to General Oleñeta; and that at Arequipa they were preparing to embark their property and persons.

From these accounts it would seem that the war must be finished without further bloodshed—a most fortunate and unexpected result. The Viceroy will probably be induced, in this desperate state of affairs, when a further contest must be unavailing, to enter into a capitulation; in which case, the castles of Callao would be included in the conditions, and the Spanish authority would be wholly extinguished, which would save a great deal of useless devastation and suffering to this district.

We have reports that troops have arrived from Panama at Huacho, and that they will enter this city in a week; the movements of the Spanish garrison seem to render this probable. They retired from the city entirely yesterday, and previously disbanded the militia guard. A small party of cavalry re-entered it to-day, and their troops are making various movements on the roads to the south and west. To-day, a quantity of flour coming up from Callao was ordered back by General Ramires, who said that no more should be allowed to enter Lima.

The squadron in the port, with the two American prize vessels fitted to carry troops, are preparing for some expedition. Two objects are supposed: one, to take down a body of men to make an attack on Guayaquil; the other, that they are going up to the Intermedios to bring away the troops that may escape to the coast. As the garrison does not consist of more than 1,500 men, (hardly sufficient for the defence of the castle,) it would seem that they could not spare force enough for any expedition, and especially as it is asserted that 700 men marched up towards Quilca yesterday; it seems more probable, therefore, that the expedition is bound to the Intermedios. The English marines are to remain in the city another week.

I have the honor to be, sir,  
Your obedient servant,

W. TUDOR

To the SECRETARY OF STATE.

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No. 12.

[EXTRACT.]

*Mr. Tudor to the Secretary of State.*

LIMA, October 17, 1824.

SIR: Since my last despatch, we have had no authentic intelligence from the armies; and as more than six weeks have elapsed from the date of the last official statement, this long interval produces anxiety. According to accounts that are put in circulation from Spanish sources, the forces still remaining with Canterac, Valdez, and Cariotela, would, if united, be about equal in number to the army of General Bolivar, though with a character very much depressed by recent reverses; and the troops being chiefly composed of Indians and negroes, cannot be relied upon. The

season for active operations will be terminated in about a month by the annual floods of the rivers. An apprehension, therefore, is entertained that the war may be prolonged another year.

A report has been circulated that the Viceroy had requested an armistice of Bolivar. If we may rely on the decisive tone of the last despatches from him, it may be presumed that he will not consent to an armistice, except as preliminary to a capitulation. In the mean time, the hopes of a speedy occupation of this city by the patriots have vanished. The report of the troops from Panama having arrived at Huanchaco was unfounded: the transports to take them were not to sail from Guayaquil till the end of September, and their arrival here cannot be expected in less than three months; during which time, this district must remain as it is, except the gradual increase of misery which every day produces. The whole number of troops at Huacho, Truxillo, &c., does not exceed 1,500 men, composed of recruits, invalids, and various little detachments left behind by the main army. This force is not sufficient to dispute the possession of Lima with the Spaniards; and if they advance with a less force than 3,000 men, which will be necessary for the investment of Callao, it would only increase the misfortunes of the capital, without any benefit to the patriot cause. The patriots now hold the valley, back, and the coast on both sides to within five or six leagues of the city; and their *Montaneros* traverse all the roads except that to Callao, and prevent provisions from being brought to market. The *Montaneros* have entered the city several times of late, in the midst of the day, and without committing so many acts of violence as formerly. One night last week they carried off between three and four hundred horses, mules, and oxen, belonging to the garrison of Callao, from some fields not more than a league distant from the castles.

The Spanish garrison of Lima, which evacuated it about three weeks ago, and has since been stationed at the church of the Legua, half-way to Callao, retains that position, and, from time to time, sends a detachment into the city for a few hours. The English marines belonging to the Cambridge 84, which have been quartered here nearly two months, returned to the ship this week, as she is about sailing. It is said a party from the Tartar frigate are to replace them. Their presence has greatly contributed to the quiet of the city.

Admiral Guise, after an absence of some time, reappeared before the port on the 6th instant, having with him five small vessels, besides his own frigate, the *Prueba*. On the 8th, the Spanish squadron, consisting of the *Asia*, mounting 74; the brig *Achilles*, 20; the ship *Ica*, (formerly *Esther*, of Boston,) 28; and the brigs *Pamela* and *Constante*, of 16 each, went out to meet him. The British and American ships also got under way to witness the combat. The fog, however, prevented the operations from being distinctly seen. Guise himself behaved with great courage and skill; his small vessels as badly as possible. The Spanish squadron manœuvred with regularity; and the escape of Guise, having the *Asia*, *Achilles*, and *Ica* all upon him at once, was considered wonderful. Nothing could have saved his whole squadron from capture by such an overwhelming superiority of force, but that "fulness of precaution" on the part of the commander of the *Asia* which was satirically ascribed to him in the Spanish official account of his arrival. I enclose his report of the action, with a few other papers. It is correct, except in the assertion of the seri-

ous injuries received by the Prueba; which, however, was the impression of the officers on board the neutral ships of war.

The Spanish squadron, with three transports in addition, are daily expected to sail to make another attack on the Peruvian squadron, which returned to the entrance of the port a week ago, without having received any serious injury in the engagement. If they can get clear from the squadron of Guise, they will, it is presumed, go to some port of the Intermedios, though their destination is not known. Captain Maling, in the Cambridge, the senior English officer on this station, means to follow them. He believes them to be bound for Quilca, and wrote me, the day before yesterday, that he felt more convinced of this, as an embargo had been laid on all the vessels at Quilca.

There are two Colombian corvettes at Guayaquil, and the Chilians have two frigates and a sloop of war at Valparaiso: the latter was expected here; but their movements are so dilatory and feeble, that no dependance can be placed upon them. The Asia has been now five months in this sea, and they are not yet equipped; and when they arrive, the jealousies about rank and command between the respective commanders will, perhaps, render them inactive. From these circumstances, it will appear that, supposing only the ordinary vicissitudes of war to happen, the result by sea, as well as on land, seems extremely uncertain; and that though there can be no doubt what will be the termination of this struggle, still the war may be prolonged for a considerable period.

The revolt in the castles of Callao, which gave the Spaniards possession of Lima in February last, may be supposed to have been known in Spain in the month of June. \* \* \* \*

Should they succeed in getting out only three frigates to this sea, they will have a decided preponderance; and unless the United States and the English Governments authorize their commanders to make a positive interference, they will sweep all the merchant vessels from the coast, to supply those public and private wants for which this impoverished country can no longer provide; and while the Spanish commanders fill their pockets, they will tell neutrals to look to Spain for redress. If Admiral Guise does not cripple the Spanish squadron, (which is hardly to be expected, with the great inferiority of his force,) they will be able to injure us extensively, even if no reinforcements should come from Spain. If General Bolivar should succeed in conquering Peru this campaign, and get possession of Callao, they will retire to Chiloe, and from thence cruise against neutral commerce.

It is to be regretted that we have not a ship of the line and another sloop of war on this station, in addition to our present force. The three vessels we have here are inadequate to the service that is required of them. An instance of it has occurred within the last two days. Admiral Guise has turned away four American vessels, and ordered them to Huacho. Commodore Hull has no vessel to send after them, as the Dolphin is at Valparaiso, and the Peacock at the Intermedios, while another sloop of war is wanted to watch Chiloe, and one to protect our commerce at Guayaquil and its vicinity. This conduct of Admiral Guise is unreasonable, because it is absurd to say that he blockades the port, when he is leaving it half the time, and while there is a superior force within side. Besides, the entry of these vessels would do his cause no injury; they would land nothing but provisions: with these, the castles are stocked for a year, and they are only

wanted by the patriot population of Lima, where scarcity and suffering increase every day.

Since my last letter, the ship Carrington has been finally condemned; and that vessel and the brig Nancy, whose case I have previously stated, are fitted out as transports to accompany the Spanish squadron. The fate of these vessels has excited feelings which, joined to the natural inclination of our officers to the patriot cause, the open declarations by the Spaniards of hatred towards all foreigners, and a hardly concealed desire of vengeance against them, have tended to aggravate. Commodore Hull and General Rodil are on the worst terms. The former has certainly some reason on his side; and the latter accuses the commodore of insulting him with perpetual threats, and other irritations. My own intercourse with the Government is almost at an end. I have seen the general but twice these three months, and then we met by accident on the mole. The last time, we had a long conversation. I touched upon some of the subjects of disagreement that existed as to the vessels. I observed to him that I had more than once expressed my opinion very frankly in regard to them; but as I was not recognised, I was spared the task of disagreeable discussion. I alluded to the singular communication I had received from him some time before, on the subject of religion; a copy of which, with my reply, in duplicate, has been forwarded. He laughed, and said that he had nothing to do with those matters; that he had communicated the Count de Villar de Fuente's letter to those who represented foreign nations here, as being the only step he could take in regard to it. I spoke to him on the subject of giving a passport to Captain Sumner, of the Nancy, who was threatened with detention, owing to the existing irritation; and it was given to him a day or two after.

Our commerce with this port is very considerable, and the cargoes of flour and other provisions will, on the average, render a good profit to the shippers. The quantity of flour alone, imported the present year, may be presumed to amount to 40,000 barrels nearly. It has been sold at prices varying from \$11 to \$24 a barrel on board; and all other articles of provisions, such as rice, beef, pork, lard, &c., have been sold at much higher advances on the cost in the United States. The consumption of Lima, in ordinary times, may be stated at three thousand barrels of flour monthly, and a large part of this will, I think, in future, come from the United States. All other sales but those of articles of food have been suspended for the last two months, and commerce cannot revive until the occupation of this city by the patriots shall open a communication with the interior.

I have alluded, though briefly, to these topics, because there have been many very erroneous statements in the American newspapers, particularly in Niles's Register, relative to our commerce with this coast, which appear to have been written with the double object of injuring the navy and promoting the tariff. Our trade with this coast is, comparatively, in its infancy; but both in the products of our agriculture and manufactures, it may become very considerable and lucrative. And I must here ask leave to recur to suggestions I have had the honor to make in previous letters, (and which further reflection tends strongly to confirm,) relative to such an arrangement of our naval force as would cause a ship of war to be returning from this sea every three months, or at least twice a year. The facility this would afford to make remittances and transmit intelligence, would be the surest means of producing an extended and advantageous intercourse with the whole of this coast.

OCTOBER 19.

Yesterday the *Montaneros* had the boldness to take possession of the Callao gate of this city for some time, and carry off several market people from the road. This induced the general himself, with his principal officers, to go after them with about 300 men. We could see them from the houses engaged in the pursuit. The consequence was, their killing between fifty and one hundred of the *Montaneros*, and taking upwards of ninety horses and mules, saddled. Their own loss, they say, was confined to four or five wounded. The troops, afterwards, passed through the city, and returned to Callao.

I have the honor to be, sir,  
 With high respect,  
 Your obedient servant,  
W. TUDOR.

To the SECRETARY OF STATE,  
 Washington.

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 No. 13.

[EXTRACTS.]

*Mr. Tudor to the Secretary of State.*

LIMA, November 11, 1824.

SIR: Since my last despatch, of the 17th ult., new difficulties have arisen with the Spanish Governor. On the 2d instant, the ship *China*, of New York, Captain Goodrich, was seized on an accusation of smuggling, brought into the inner harbor, her sails unbent, and the captain put into the castle, without being allowed to confer with his friends. The vessel and cargo may be valued at \$150,000, and are doubtless lost to their owners.

Information against the *China* was given, to the officers on shore, by two of her seamen. It is stated that an English merchant of Truxillo had purchased a quantity of cotton goods, and, to avoid paying the transit duty of two per cent., the goods were carried away in the night, in a boat, provided with muskets, to the American brig *Rimac*. The *China*, which was landing her cargo, lay near the inner harbor; the *Rimac* was in the roads of San Lorenzo, under the guns of the frigate *United States*. After taking possession of the *China*, and confining her captain and the Englishman in the castle, (from which the latter was released yesterday, on giving bonds for \$25,000 for his appearance,) the general sent off to examine the *Rimac* for the smuggled goods. Commodore Hull prevented the search from being made, on the ground that the vessel was out of their jurisdiction. When this refusal was known on shore, a boat, belonging to the frigate, was ordered away from the mole, and some stones were thrown at it; and communication with our ships of war was prohibited until the *Rimac* was allowed to be searched. In the mean time, one or two of our vessels continued landing their cargoes unmolested.

I had heard nothing from Commodore Hull of these events, but, as the general had hinted very plainly his right to make reprisals, some of our countrymen applied to me to interfere. I therefore wrote, offering my ser-



vices, if he thought they could be of use, and would give me the necessary information. He requested me to go on board. In the mean time, Lieutenant Pauldin had been sent to demand satisfaction for the insult offered to the boat; and this ended in a quarrel between him and the general, which embroiled the matter further.

I went to the frigate on the 8th instant, and, at the same time, a Spanish officer went off with two letters from the general: one relative to the insults complained of, and criminating, in his turn, the officer sent to him; the other, reiterating his demand to search the Rimac, and threatening reprisals on American property on shore, to the amount implicated. The commodore had denied his jurisdiction. I requested him not to insist on this ground, being convinced it was untenable; and, as the property was said to belong to a foreigner, it would be felt as a greater hardship if his countrymen should suffer for such an illicit transaction; that, by avoiding the question of jurisdiction, he might still save his rights, by agreeing to submit the subject to a fair investigation, provided it should be conducted according to the provisions of our treaty with Spain, which the general, in his trials, had hitherto disregarded. He might then, also, make the most of the precedents, which are said to be numerous, of transshipping goods in the port without payment of duties; though it might be doubted if any case would cover the present one.

Finding that he intended to leave the bay that night, and take all the vessels with him to Ancon, I advised him to defer it, and continue the correspondence with the general for a few days, to give his countrymen in Lima time to prepare for events that might happen. This afternoon I received a letter from him, of which the following is an extract: "The insults offered to my officers, together with his preventing communication with the shore, makes it necessary for me to leave this port, which I shall do this afternoon." And he has since sailed, taking with him all the vessels, to Ancon, a small port next to Callao, in possession of the patriots. I understand that the commodore, previously, received another letter, of an offensive tenor, from the general, on whom the responsibility must now rest of driving away the American trade from the port. Having seen but a part of the correspondence that has taken place, I have an imperfect knowledge of the transactions; but Commodore Hull will communicate them by this same opportunity.

We have had ill luck in our affairs here with the Spaniards: this has been, in the case of the captures, partly owing to accident; the animosity of the Spanish chiefs, which, however it may be veiled, in some cases, with courtesy, no doubt exists; and, with sufficient reason, by our recognition of the independence of the colonies, and the inevitable consequences which have followed that great leading step. \* \* \*

And, lastly, it has been owing to the inadequate force we have for the protection of our commerce in these very critical times, and particularly since the arrival of the Asia has so enlarged their maritime power.

I have, in former letters, described the situation of this unfortunate city. On the 3d instant, a patriot force entered it, and announced that a body of their troops had crossed below, for the purpose of investing Callao, and that they had come to take permanent possession. This long-expected event produced the most extravagant demonstrations of joy, and the people gave themselves up to a delight which seemed to be universal. This pleasure lasted but three hours, for, at the end of that time, it was an-

nounced that the patriots were totally defeated, as was fully shown by their most disorderly flight through the city. They were attacked by the Spaniards on the road to Callao, and almost instantly routed. In fact, less than two hundred Spanish troops, by their superior discipline and conduct, in a very few minutes put to flight a body of eight hundred men. This sudden unexpected disaster threw the inhabitants of Lima into the greatest consternation; many fled, and the rest have been since filled with terror.

A few days after this unfortunate affair, we heard that General Bolivar, finding that the rainy season and the rise of the rivers would suspend his operations in Upper Peru, placed his army in quarters on the Apurimac, at Andahuallas, and came down to superintend the occupation of the capital. He brought a few cavalry with him, and has received other reinforcements, and is now expected to lead in the patriot forces himself within a week, consisting of about two thousand five hundred men.

It is quite uncertain where the Spanish squadron has gone. The English commanders think to windward; it seems to me, however, that the most important object to them is to intercept the reinforcements on their way from Panama. Two more Spanish frigates are said to have arrived in Chiloe. Admiral Guise is at Limanco repairing. The Chili squadron was destined to sail this month, but their movements are extremely dilatory.

It now appears that the war must last at least another campaign. The prospect is, unquestionably, favorable to the patriots; but those who are in the habit of scrutinizing most severely those opinions that accord with their wishes, may see that the fate of this country is yet dependant on the events of war, and its vicissitudes may yet render it dubious for a considerable period. Under present circumstances, I must repeat my belief, with additional conviction, that our interests on this ocean require an increase of naval force.

I have the honor to be, sir,

With high respect,

Your obedient servant,

W. TUDOR.

To the SECRETARY OF STATE.

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No. 14.

*Mr. Tudor to the Secretary of State.*

LIMA, December 7, 1824.

SIR: I have the honor to inform you that General Bolivar entered this city to-day, accompanied with no other troops than a corps of cavalry, the infantry and artillery still being without the capital. He went on to the Callao road for the purpose of reconnoitring. It is not yet decided if he will remain in Lima, or wait for the troops from Panama before he invests the castles, which cannot get here for several days. No official account has yet been received of the action between Generals Sucre and Valdez; but no doubts are entertained of the defeat of the latter with the loss of two entire battalions, and great desertions of his force. The Chilian and Peruvian squadrons are supposed to have formed a junction to leeward, and are expected soon to blockade Callao. All the circumstances of the day lead

to the expectation that this desolating war must soon be terminated in the complete triumph of the patriots.

The English consul, Mr. Rowcroft, died to-day of wounds received last evening from an advanced guard of the patriot *Montaneros*, about two miles from the city; he was returning in his carriage with his daughter, wearing a military uniform, as he has been accustomed to do lately, from having formerly commanded a regiment of volunteer cavalry in London; his servant, on horseback, hearing the challenge of the sentinels, (it being after dark, they could not be seen,) informed his master, who got out of his carriage, mounted the horse of the servant, and rode on, the carriage following. Several shots were fired. He still continued his course, when several balls reached him at once; one going through the neck of the horse, one passing through his hand, and another entering his side. He then turned about; he was put into the carriage, and they proceeded back to Callao, where he died of the latter wound this morning. However much this unfortunate event is to be regretted for himself and others, it is only justice to state that no one attaches any blame to the sentinels, who thought it was a party of the Spanish troops advancing; and the noise made by the carriage, they took for that of artillery moving.

Judge Prevost is expected here to-morrow.

I have the honor to be, sir,

Your most obedient servant,

W. TUDOR.

To the SECRETARY OF STATE.

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No. 15.

*Mr. Tudor to the Secretary of State.*

LIMA, December 22, 1824.

SIR: I have the honor to offer my cordial congratulations on the great and most important victory of Guamanguilla, of which the details will be carried by Lieutenant Campbell, who is despatched *via* Panama for the purpose. This remarkable battle secured, in one day, the independence of Peru, and terminated the Spanish empire in America; and as this country was the last on this continent in which Spain maintained a struggle, the world may hope that the South American republics will be recognised by every civilized State, peace restored to the world, and the cause of freedom and national improvement obtain a lasting triumph.

As soon as the Liberator entered this city, I addressed myself to the Minister of Foreign Relations, and have received the *exequatur* of General Bolivar to my commission, as consul of the United States for Peru, and I shall now be able to enter more regularly into the business of my office. Our commerce has been almost wholly interrupted by circumstances of the war, and the difficulties that arose with the Spanish general for several weeks past; but as we may presume that the castles will be surrendered the next week, according to the terms of the capitulation, the vessels will return from Chorillos to Callao, and trade assume its usual course.

Hitherto, in the absence of other agents, I have endeavored to communicate, from time to time, to the department, such intelligence as I could ob-

tain of passing events. The arrival of Judge Prevost in this city, to be near the Government, will render such correspondence on my part superfluous; and I have only to offer my congratulations that information from this capital, in future, will be communicated with so much more ability.

I have the honor to be, sir,

Your most obedient servant,

W. TUDOR.

To the SECRETARY OF STATE.

No. 16.

*Mr. Tudor to the Secretary of State.*

LIMA, January 8, 1825.

SIR: I have the honor to enclose report No. 2. of the American commerce in this district. It has several blanks, occasioned by the numerous obstructions that have existed, and that have wholly prevented me, in many cases, having any communication with the vessels. You will observe that the principal article is flour: the consumption of Lima is estimated at 3,000 barrels monthly. Our flour has the preference over all other kinds; and though the restoration of peace will probably enable Chili and Upper Peru hereafter to furnish the supplies, I am inclined to think that a part of them may continue to come, for a considerable time at least, from the United States. The same remark will also apply to rice and salted provisions, which have sold here recently at extravagant prices, owing to temporary circumstances.

The manufactures of our country will, however, increase in the consumption of all the countries on this coast. Coarse white cottons are the chief article; but shoes, hats, saddlery, and furniture, are also brought in considerable quantities. The returns from Peru are almost entirely in specie.

The results of the battle of Ayacucho will soon be complete. The Asia and the squadron, with part of the Spanish officers, have sailed from Quilca for Manilla; others are taking passage in merchant vessels for Europe. General Rodil yet obstinately resists surrendering the castles of Callao, but his situation grows more arduous and dangerous every moment. There can be no doubt that those fortresses will speedily be obtained, either by being taken by assault, as soon as the Panama troops arrive from Guayaquil, (which cannot be delayed more than a fortnight,) by a mutiny of the garrison, or by the secret embarkation and flight of the general and his adherents. One of the two last may be daily expected. To-day, the second captain of the port, with four gun-boats and seventy-two men, arrived at Chorillos, having deserted last night.

Nothing but the most extreme vigilance and severity prevents the garrison from taking the same course; and, from one moment to another, a revolution in the castles may be expected. This will be the finishing stroke to the liberation of Peru.

I have the honor to be, sir,

With high respect,

Your obedient servant,

W. TUDOR.

To the SECRETARY OF STATE.

No. 17.

*Mr. Tudor to the Secretary of State.*

LIMA, February 25, 1825.

SIR: Since my last letter of the 8th ultimo, I have been absent from this city for several weeks, in an excursion over the Cordillera. Previous to my departure, I appointed Stanhope Prevost, son of Judge Prevost, vice consul for Lima, and Alfred Cobb, vice consul for Arica, and both of them have received the *exequatur* of the Libertador. Mr. Cobb has recently sailed for his destination.

Both these young men have resided some time in the country, and speak the language of it fluently, and, I trust, will give satisfaction in their office.

There are no recent events of any magnitude to communicate. The assassination of Monteagudo seems to have been an insulated crime, unconnected with any conspiracy, and owing, undoubtedly, to the hatred which was felt for him by the people of Lima.

The Congress have wisely continued the political power in the hands of General Bolivar for another year, which appears indispensable for the safety of Peru. He is to leave Lima early next month for Cuzco, to pass several months in Upper Peru. The administration, in his absence, is confided to General La Mar, Mr. Carrion, and Mr. Umanue. La Mar is extremely popular, and, I hear, most justly so; and this choice of the Libertador is an excellent one.

General Oleñeta has at length openly declared himself, and issued a proclamation in favor of the King of Spain. No anxiety is entertained from this measure, but his overthrow is considered easy and certain. General Rodil still holds out, and he has declared that he never would surrender. There is a cannonading with the castles every night. The only vessel in the harbor is the ship *China*, condemned by the Spanish authorities, and which is now said to be fitting for sea, probably to carry off some of the emigrants who fled to Callao. The port is blockaded by the Chilean frigate *O'Higgins* and three sloops of war. Some provisions are introduced by night, in the canoes of the fishermen; but, it is presumed, the castles cannot hold out more than three months longer, without the blockade is raised by a maritime force. The last sortie made by the garrison was repulsed with a heavy loss to the Spaniards; an official account of which will be found in the enclosed paper.

The general leaves 3,500 men, most of them very fine troops, for the protection of Lima and the siege of Callao.

There were, a few days since, seventy sail of vessels at Chorillos; and there is now, though the number is diminished to between fifty and sixty, a larger amount of tonnage than was ever before collected in any port on this side the continent. Several of our vessels must, unfortunately, make very bad voyages, as the late cargoes arrived of flour cannot be sold for more than two or three dollars on board. On the 22d instant, the Libertador partook of a collation on board the United States frigate; he selected the day himself, as being Washington's birth-day. The Americans present took the opportunity to echo the voice of their country, in the reception given to General Lafayette. General Bolivar afterwards rose, gave Lafayette as a toast, and made a very complimentary speech.

The frigate United States and the Peacock are at Chorillos. Judge Prevost left this city for Cuzco about a month since.

I have the honor to be,

With high respect,

Your obedient servant,

W. TUDOR.

To the SECRETARY OF STATE.

P. S.—Your letter of August 10th, covering my commission as ratified by the Senate, was received by me a few days since.

No. 18.

[EXTRACTS.]

*Mr. Tudor to the Secretary of State.*

LIMA, March 21, 1825.

SIR: Since my last letter, which goes by this same opportunity, the French admiral, Rosamel, has arrived at Chorillos, and is now there with his own frigate and three smaller vessels. He has visited the Libertador, to make some demands for the restitution of property, and for the return of some individuals of his nation who had been ordered out of the country: and, from what I have heard, I presume without success.

The Peruvian frigate Prueba arrived yesterday afternoon, to join the blockade of Callao. The British frigate Blonde has sailed for the Sandwich islands, and does not return here till November. She brought with her two tenders, which have been loaded with horses, mules, and asses in Chili, and sent to the islands; these will be useful presents to them. The frigate has some scientific men on board, and a fine collection of instruments, and visits several of the islands in this ocean before her return here.

The army besieging Callao will open one battery of four 24-pounders two days hence; four other pieces of this calibre are still at Chorillos: they have, also, two 13-inch mortars: one of them is already at the lines, the other is still at Chorillos. The firing between the parties is kept up at intervals, day and night. The Cambridge went into Callao bay last week, (the Government having given a passport,) to bring away three young children (the eldest eight years old) whose mother is in this city; Captain Maling, from motives of humanity, consented to receive them. General Rodil's adjutant, who came on board the ship, brought letters from the children. (doubtless dictated to them,) saying that they were very happy, and did not wish to leave. This officer spoke with great confidence of their being relieved, by a large ship, in a few days. Every effort is made by the general to keep up the spirits of his troops, and to hold out hopes to them which he must feel have a very slight foundation. The French admiral requested leave to communicate with Gen. Rodil, which was refused.

There are no recent accounts from Upper Peru. The private accounts are extremely contradictory; some of them represent Oleñeta as having a

considerable force ; others, that he himself has fled, and his followers dispersed.

I have the honor to be,  
Your most obedient servant,  
W. TUDOR.

To the SECRETARY OF STATE.

P. S.—Admiral Guise is ordered back to Guayaquil to take his trial there ; he is said to be in very bad health.

No. 19.

[EXTRACT.]

*Mr. Tudor to the Secretary of State.*

LIMA, March 29, 1825.

SIR: It is my melancholy duty to communicate to you the death of Judge Prevost. He left this place early in January, for Upper Peru, going in the Dolphin schooner to Quilca. At Arequipa he suffered a tedious indisposition ; and, before he had entirely recovered his strength, set out on his journey to Cuzco, leaving Arequipa on the 3d instant. At a post house, 35 leagues from that city, he died suddenly on the night of the 9th instant. He had retired to bed without complaining particularly ; and when the gentleman with whom he was travelling came to call him in the morning, he found him dead. It is presumed he died instantly from an apoplectic stroke. Mr. Clark, the only American in Arequipa, on hearing this unfortunate event, immediately set out for the place, buried the body in the best manner he was able, and secured his papers and effects, which he has delivered to his son. A meeting of the citizens of the United States, residing here, has been called, to show their respect to the memory of the deceased.

I had the honor, in my last letter, to speak of the importance of a measure which I hope has, before this time, been taken, of appointing a minister to this country, to form a treaty and take charge of our concerns here. The sudden and unexpected decease of Judge Prevost makes this still more expedient. A chargé d'affaires may be sufficient, ultimately, in most of the South American States, if Congress should consider our diplomatic intercourse with them a proper subject of economy ; but, in the first instance, [a minister] with powers to treat and stipulate for the rights of our fellow-citizens, is extremely wanted, and I hope his arrival will not be long delayed.

I also enclose a letter I wrote to General Bolivar, to announce the death of Mr. Prevost, with his answer, and a copy of some resolutions passed by the American citizens resident in Lima, which they wished might be published.

[With Mr. Tudor's letter of March 29, 1825.]

*Translation of a letter in French to General Bolivar, to mention the death of Judge Prevost, with his answer.*

LIMA, March 28, 1825.

It is my painful duty to make known to your excellency an event which must be very afflicting to you. Mr. Prevost, the special agent of the United

States, died suddenly on the road from Arequipa to Cuzco, 35 leagues from the former city. Mr. Nixon can communicate to your excellency all the details that we have received of this unexpected misfortune, which has plunged his son (who felt towards his father the strongest filial piety) in the deepest affliction.

There is much reason to presume that the Government of the United States will have named a minister to this country, and he is, probably, on his way for his destination; his early arrival is greatly to be desired. But it may be said, with confidence, that it will be impossible to send a man more versed in the history of the revolution of South America, or who took a more lively interest in the prosperity of this country, or more ardently attached to the sacred cause of their independence, than the late Mr. Prevost.

I pray your excellency to receive the assurances of the high consideration and respect with which

I have the honor to be,

Your most obedient servant,

W. TUDOR.

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*Answer of General Bolivar.*

MAGDALENA, *Marzo 28 de 1825.*

SEÑOR CONSUL: Con el mas caro dolor he recibido la inesperada noticia que V. S. se sirve comunicarme del sensible fallecimiento del Señor Juez Prevost. Una perdida semejante nadie puede apreciarla tanto como yo, que tube la honra de conocer y tratar al difunto, cuyos talentos y cualidades morales eran dignas de un agente del pueblo mas libre y mas bien constituido del universo. El Señor Prevost era un verdadero filantropo y un politico liberal; era, sobre todo, el adorador de la America. Con tales titulos, cuanto no debe ser me lamentable su muerto? Y cuanto su amable hijo no debe sufrir por el mas digno de los padres!

Yo suplico á V. S. Señor consul, de manifestar al Señor Prevost este sentimiento de mi dolor y de mi compasion en este infausto momento, para los amigos y para el hijo del hombre bene merito, que ha venido al Peru á vivir entre nuestras tribulaciones y á morir despues que su corazon habia sentido con trasporte el triunfo de nuestra libertad.

Me sera muy satisfactorio el ver llegar á la republica Peruana el agente Americano de que V. S. hace mencion en la nota de hoy. Yo me adelanto á dar á V. S. las gracias por esta anticipacion, que tanto debemos anhelar para estipular nuestras relaciones, y fijar nuestras derechos reciprocos.

Aprovecho la oportunidad de ofrecér á V. S. mi distinguida consideracion.

BOLIVAR.

Al Señor CONSUL GENERAL

*De los Estados Unidos en el Peru.*

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[TRANSLATION.]

MAGDALENA, *March 28, 1825.*

SIR: I have been most sincerely afflicted by the unexpected news which you have communicated to me, of the death of Judge Prevost. No one could



feel such a loss more deeply than I do, having had the honor to know and to correspond with the deceased, whose talents and moral qualities rendered him worthy to be the agent of the most free and the best governed people of the universe. Mr. Prevost was a true philanthropist and a liberal politician; above all, he was the most devoted friend of America. With such qualities, how could his death be other than afflicting to me? How much his excellent son must suffer, on account of the loss of this most worthy of parents! I entreat you, Mr. Consul, to make known to Mr. Prevost this expression of my grief, and of my compassion, on the present melancholy occasion, for the friends and the son of that deserving person, who came to Peru to live in the midst of our troubles, and died just as his heart had been gladdened by the triumph of our liberty.

I shall be most happy to witness the arrival in the Peruvian republic of the American agent, whom you mention in your note of this day. I thank you, by anticipation, for this, as it promises us the means of establishing the terms of our future relations, and of our reciprocal rights.

I avail myself of this opportunity to renew to you the assurances of my distinguished consideration.

BOLIVAR.

To the CONSUL GENERAL of the United States in Peru. —————

No. 20.

*Mr. Tudor to the Secretary of State.*

LIMA, April 12, 1825.

SIR: I have the honor to enclose part of my last letter, with the documents that accompanied it, in copies.

General Bolivar left Lima yesterday morning for Arequipa; from whence he proceeds to Puno, La Paz, and comes back to Potosi and Cuzco, and from thence to this city. It is supposed he will be absent about six months. The object is, to visit and regulate the affairs of the upper provinces of Peru.

I have, in previous letters, made some allusions to the Congress of Panama. Mr. Pando, at present acting as Minister of Finance, tells me that he is to leave here next month, to meet the plenipotentiary of Colombia, at Panama, to prepare the proceedings for a future Congress of all the States of South America. This preparatory meeting will have no other deputies but those from Peru and Colombia.

One battery, consisting of eight heavy cannon and a mortar, was opened against the castles of Callao ten days ago; and another of the same force is preparing. They are, however, too distant to effect a breach in the walls, and serve principally to make the blockade more rigid, and prevent the garrison sending out a few cattle they possess, to feed under the walls. General Rodil is supposed to have provisions for three months longer, and the best informed persons think he will hold out at least another month; though this calculation is little more than a guess at the comparative force of Spanish obstinacy and the misery that is daily increasing within the limits of Callao, and which, by the accounts of those who escape from the place, is represented as being very great; and that sickness, for want of proper nourishment, is increasing.

This letter goes by the Dolphin to Valparaiso. The Peacock remains

at Chorillos. The Dutch frigates have sailed for Batavia. The Cambridge goes, this week, to Valparaiso, touching at the Intermedios. The Briton (frigate) will remain, and, also, the French admiral, Rosamel.

The season is now coming on when the roadstead of Chorillos will be unsafe, and the vessels must either go and lie under the island of San Lorenzo, or proceed to Ancon, till the castles surrender. The army besieging Callao consists of between 3,000 and 4,000 men, under Generals Salom, Valera, and Corvajal.

The Government, in the absence of General Bolivar, is administered by Messrs. Unanue, Pando, and Heres. When General La Mar comes here, he is to be at the head of the administration; and Mr. Carrion, if he recovers from sickness, will also resume his place as Minister of Foreign Affairs, and one of the "council of Government."

I have the honor to be, with high respect,

Your obedient servant,

W. TUDOR.

To the SECRETARY OF STATE.

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No. 21.

[EXTRACTS.]

*Mr. Tudor to the Secretary of State.*

LIMA, April 22, 1825.

SIR: In the two last letters which I had the honor to address to you, under dates of March 29th, and the 12th instant, I communicated the melancholy intelligence of the death of Judge Prevost, the special agent of the United States, which unfortunate event took place on the road from Arequipa to Cuzco, suddenly, on the night of the 9th of March.

I mentioned in my last letter that General Bolivar had left this city on the 11th instant for Arequipa; from whence he goes to Puno, La Paz, and Potosi, and returns by Cuzco here. The object is to visit the provinces of Upper Peru, and regulate their affairs; and it is supposed he will be absent six months. The Government is administered here by a council consisting at present of Messrs. Unanue, Pando, and Heres. Mr. Unanue was the Minister of Finance, but was transferred to the Department of Foreign Affairs, till Mr. Carrion is sufficiently recovered to fill his former place. Mr. Pando is named plenipotentiary to the Congress of Panama; but fills the department *pro tempore* of Minister of Finance. Mr. Heres is Minister of War and Marine, and at present takes charge of the Department of Foreign Affairs, as Mr. Unanue is president of the council, until the arrival of General La Mar, who is to administer the Government, and Mr. Heres then goes to join the Libertador.

Yesterday, General Alvarez, minister plenipotentiary from Buenos Ayres had a formal audience of the council of Government.

Yesterday morning a decree of the Government was published, a copy of which is enclosed. It will be remarked that it is dated the 17th instant, but was not made public till the 22d; a difference that might, in some cases, be important. I called, soon after I saw it, on Mr. Pando; but, the council

of Government being in session, I could not see him. I repeated my visit this morning, (23d,) and represented to him that this decree would give rise to much uneasiness and remonstrance; and, especially, the period named in the second section was wholly inadequate to give the merchants of the United States warning not to engage in a commerce which was now innocent. He told me, if it was thought necessary, the term might be extended to six months; but more than that would not be conceded. I shall address a letter to the Government, and the result shall be communicated by the next opportunity.

I now enclose copies of the letters that have taken place in the case of the most brutal and savage ill treatment of Captain Lombard, of the ship *Minerva*, of New Bedford. I understand that, on the day after the ship sailed, the court-martial assembled, and that the result was, Captain Buchard was acquitted and recommended to the favor of the Government. I shall request that a copy of the decision of the court may be sent to me to forward to you.

From the enclosed letters, you will have an account of the chief facts of the case. Knowing what was the feeling of the Government in respect to the personal protection of their citizens, and the outrage in this case being aggravated by the circumstance that the ship was forcibly retained in the service, I apprehended that it would excite a strong sensation in the United States. In my first interview with the Minister of War on this subject, finding him disposed to treat it in a very light manner, I sought an interview with the Libertador. He expressed himself with great warmth on the subject; said he had heard of the affair; that Buchard had wished to see him, which he had refused; that he wished all the *canaille* of foreigners, who only entered their service to disgrace it, were shot, &c. From these circumstances, I was very anxious to have the case decided before his departure. This, I am induced to think, the Minister of War was determined to prevent, and not to have the trial brought forward while Captain Lombard remained. A day after his departure, the court assembled; it was composed, contrary to usage, chiefly of land officers.

Two English captains of frigates in their service have expressed to me their regrets at the decision, and that it would have been different had they been members. After such a precedent, many of these foreigners, who are mere adventurers, as well as their native officers, will, I fear, consider there is little risk in maltreating an American citizen. Buchard I have never seen, but he is described to me as a man brutal and unprincipled, a Frenchman by nation; and that, in attempting to murder Captain Lombard, (which unquestionably was his intention,) he only failed in an act which he has perpetrated more than once on former occasions. Captain Lombard, appears to me to be a very respectable man, has a wife and children at home, and was intrusted by the respectable house of William Rotch & Sons, of New Bedford, with all the concerns of the ship and cargo. It is a proof of his respectability that he waited here a whole month with his ship and crew, at great expense, only to obtain justice in this case, and went away at last, believing (justified by the event) that nothing would be done so long as he remained. He seems to me to deserve the particular approbation of the Government for his conduct.

This case, as well as the decree already mentioned, shows the necessity of having a minister from the United States to defend the interests of his

country, and the rights of his countrymen ; and I hope his arrival will not be long delayed.

The blockade of Callao begins to press very severely on the garrison and inhabitants, according to the relation of those who make their escape, of which there are a few every day. The distress is increasing, and as this is the season when they are exposed to suffer much from fever and ague, the unremitting service and exposure of the troops must cause many of them to sicken. It may be hoped they will surrender by the 1st of June.

I have the honor to be,

With high respect, sir,

Your most obedient servant,

W. TUDOR.

To the SECRETARY OF STATE.

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No. 22.

[EXTRACTS.]

*Mr. Tudor to the Secretary of State.*

LIMA, May 17, 1825.

SIR: In my letter (No. 3) of April 23, 1824, I had the honor to address some remarks to you on the subject of specie, the only export from this country, and to suggest some regulations that might have a tendency to increase the quantity which now goes to the United States. My general opinions on the subject are confirmed by the experience of a year's residence, though on one point I should now advise a different course.

That letter was written at the same time with others, addressed to the Departments of the Treasury and the Navy, and to the president of the Bank of the United States, relative to a plan for enlarging the exportation of specie to the United States, and some modification in the distribution of our naval force, with a view to its execution ; the whole being founded on the belief that it would be sound policy to furnish every proper facility for the transportation of specie to the United States in our vessels of war.

I am convinced that such an arrangement of our naval force as was then proposed, would be useful ; that the commanding officer only should remain on the station for the three years ; but the smaller vessels under his command should be so arranged, that one of them should be departing for the United States from this station every three months, touching at all the principal ports on both sides of the continent south of the equator, and then coming out at the same intervals. This would enable the merchants to make frequent remittances, which would be of much advantage to our commerce, and tend greatly to the encouragement of our manufactures.

For the purposes contemplated, five sloops of war, in addition to the ship of the commanding officer of the squadron, would be sufficient ; two of which would always be on their passages, and the others visiting the different ports between Guayaquil and Concepcion. It would, also, be expedient that the commission received for carrying the money should be divided in the manner regulated in the English service, with, perhaps, some modifications ; and it might be well, in the regulations, to provide most rigidly

that the officers should, in no case, derive any profit, (except from the freight of the money,) but be prohibited from any negotiations in the purchase, sale, and exchange of specie.

I have the honor to be, sir, your obedient servant,

W. TUDOR.

To the SECRETARY OF STATE.

No. 23.

[EXTRACTS.]

*Mr. Tudor to the Secretary of State.*

LIMA, May 26, 1825.

SIR: By this same opportunity, I send copies of the correspondence I have had with this Government on the cases of Captain Lombard, the decree prohibiting the importation of Spanish produce, and the demand made on resident American citizens to perform militia duty. You will perceive, by the second decree, that the Government were induced to extend the term, when neutral vessels, with Spanish produce, were subject to seizure, to eight months. In the claim upon foreigners to perform military duty, which the Americans and English resisted, they have been subjected, in consequence, to a discriminating five per cent. excess of duty on their importations; an instance of hardship towards the two nations which have shown them the most friendly spirit, that must be removed whenever the two nations are fully represented.

The last news of General Bolivar is, his arrival at Quilca, and dining on board the British ship Cambridge: he had journeyed by the coast; and, from that port, goes to Arequipa. The night of his arrival, a French ship, with a valuable cargo, from Bordeaux, having brought out General S. Partero, a Spanish officer, was seized, and this officer sent under a guard of soldiers to Arequipa. He sailed from this country a year since, with those despatches from the Viceroy which painted their prospects (not without some reason) to have such a flourishing aspect, that Peru was wholly theirs, Chili would drop into their hands at the first touch, and that they should drive back Bolivar to Colombia, and be able to act in concert with the Spanish forces on the shores of the Atlantic. On the receipt of these accounts, La Serna was made Count of the Andes, and all his officers promoted *two days* before the day of Ayacucho. In less than a year, the same officer, returning with the favors of the court for himself and others, finds the Spanish dominion irrevocably driven from this continent, and the Libertador in the very port of his arrival—one of the singular coincidences of the memorable events that have occurred in the last year.

The siege of Callao continues with no recent occurrence of interest. General Rodil has not nine hundred effective men; and the misery and dissatisfaction are daily increasing in Callao, and the mortality is very considerable. How long he may hold out, is uncertain; his vigilance is incessant, and he exerts all the talents of an able commander to animate those about him, and keep up the confidence of the troops. Most persons think he will hold out three or four months longer. I am disposed to believe that he will

capitulate next month; as, notwithstanding his pertinacity, and the especial personal hatred he has shown towards the patriots, he must know, by the entire defeat and death of Oleñeta, by the state of Chilee, shown in General Quintanilla's letter, and by the certainty that no succors are coming from Spain, that his perseverance is without a ray of hope, and, if continued, must involve him, and all around him, in certain destruction.

I have the honor to be,

With high respect, your most obedient servant,

W. TUDOR.

To the SECRETARY OF STATE.

[With Mr. Tudor's letter of May 26, 1825.]

*Correspondence with the Peruvian Government in the case of Captain Lombard.*

(No. 1.)

*Letter to the Minister of War and Marine.*

CONSULATE OF THE UNITED STATES,  
*Lima, February 25, 1825.*

SIR: I have the honor now to address your excellency on the subject of the injuries received by Captain Samuel Lombard, of the American ship *Minerva*, which I mentioned in my interview this morning. It will not be necessary to trouble you with all the details of the case at this time, and I will, therefore, confine myself to a brief statement of circumstances, which Captain Lombard declares he can fully prove by documents and witnesses; and I am convinced, from the strong friendship existing between our respective countries, that the Government will cause a strict examination to be made, and such measures to be taken as justice may require.

Captain Lombard states that, being at Guayaquil in the month of September last, where he had sold his cargo and contracted for a cargo of cocoa to take to Enrope, being obliged to wait some weeks for the same, he chartered the ship to the agents of the Colombian Government to go to Panama, and bring troops to Guayaquil; that he performed this service faithfully and successfully, having brought up three hundred and thirty-eight men without the loss of a man. On his return, the discharge of his ship was refused; he was told that he was needed for the service of the country, and that he must take troops to Peru. Being thus constrained to continue in the transport service, his voyage was broken up, and he was obliged to sell the cargo prepared for him, at a considerable loss. At Guayaquil his crew became disabled by sickness, and, when he came to take the soldiers on board, he had but three men able to go to duty. He endeavored, in vain, to procure other sailors, and, on application to Commodore Wright for them, he was refused. At the time of embarking these troops, he had misunderstood the time named, through his imperfect knowledge of the language; but, as soon as he knew his mistake, began the preparations as fast as his distressed situation would permit. While thus occupied, Captain Buchard came off to the vessel, and, on coming alongside, he, in the most violent manner, drove an oar at one of the men employed in bailing out the ship's boat.

which, fortunately, the man avoided, or, it is presumed, it would have killed him on the spot. He then came on board the ship, and began using the most passionate and insulting language to Captain Lombard, ordering him to go himself into his boat, which, as it was his duty as master of the ship, he refused to do. Captain Buchard then broke out into language still more offensive, and drew his sword against an unarmed man, with the evident design of killing him; in which, fortunately, he did not succeed, as Captain Lombard only received three wounds and some severe bruises. After sailing, his crew being very sickly, many of the troops sickly, (fourteen of whom died,) he made the best of his way, and, in conformity to the request of the officer commanding them, entered Huacho, where he arrived *six days before the squadron*. When Commodore Wright came into the port, he took out the well men, put on board other sick men, and ordered the ship to leeward, as only the fastest ships were to go to windward, though the Minerva had arrived six days before the others. Captain Lombard represented his deplorable situation, and that if he was not allowed to proceed to Chorillos, he must, for his own safety, and out of humanity to the troops, abandon his vessel. In this situation, Commodore Wright left him without succors; without hospital stores; with his ship in a horrible state, from the spoiled provisions on board, and the sickness of the troops. After this, he called a survey, according to maritime usage, of three masters of vessels, who have given him a certificate of the unfitness of his vessel and crew to proceed to leeward. He then stated his situation to Colonel Velasco, commanding at Huacho, and that he must either land the troops, or abandon his vessel; he consented to his landing them. By the assistance of two American vessels in the port, and their humanity in lending him men, he was enabled to work his vessel up to Chorillos, where he arrived two days after the squadron, they having sailed two days before him.

Captain Lombard is a respectable man, and his ship belongs to one of the most respectable mercantile houses in the United States. His injuries have excited a considerable sensation among his countrymen, and will inevitably produce great effect at home, if not inquired into here, and, if the facts are substantiated, the officer who committed them punished as he deserves.

I deprecate, sir, most sincerely, any circumstance that can tend, in the slightest degree, to interrupt the cordial feelings of friendship that are felt in my country towards the Peruvian republic. But knowing what are the feelings of the citizens of the United States against the personal ill-treatment of their countrymen, and how deeply and universally such an outrage as Captain Lombard avers that he received would be felt, I am most anxious, not only for his sake as an injured individual, but on the wide ground of public expediency, and to prevent national ill-will, that this case should have the most ample investigation, and the complaints of Captain Lombard satisfied, or shown to be groundless. For this purpose, I request that he may have timely notice when to attend the trial, and produce his documents and witnesses.

I beg you to be persuaded, sir, that it is a most painful task to me, to be obliged to make a complaint of this nature against any officer employed in the service of this, or of the Colombian republic; but, in the absence of other representatives of my country, it devolves on me; and I repeat that, in discharging it, I am not only asking for justice for an individual, but anxious to prevent any ground of national complaint.

I pray you to receive the assurances of my high respect and consideration.

W. TUDOR.

(No. 2.)

*Answer to the preceding letter.*

Tengo la honra de contestar la nota de V. S. en que se sirve manifestarme las quejas que el capitán de la fragata Americana Minerva, Samuel Lombard, tiene contra el capitán de navío de Hypolito Buchard, poniendo en conocimiento de V. S. que S. E. el Libertador, encargado del mando supremo, á quien he dado cuenta de la citada nota de V. S., me manda contestarle, que hace algun tiempo que el Gobierno impuesto de la conducta del Capitán Buchard, le mandó seguir proceso para que fuese juzgado en consejo de guerra con todo el rigor de ordenanza.

Con esta fecha se previene al capitán de navío, Don José Pascual Vivero, haya recibir declaracion al Capitán Lombard, é inserte en el proceso contra Buchard los documentos que aquel presentare. El Gobierno espera que con las providencias tomadas en el particular será satisfecha la justicia, y que recibirá V. S. una prueba de los sentimientos que lo animan.

Me suscribo de V. S.

Muy atento obediente servidor,

T. DE FLORES.

Al Señor GUILLERMO TUDOR,

*Consul General de Estados Unidos en el Peru.*

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[TRANSLATION.]

(No. 2.)

*To Mr. William Tudor, consul general of the United States of North America.*

[Not dated.]

In answer to your note on the subject of the complaint made by Samuel Lombard, master of the American ship Minerva, against Don Hypolito Buchard, the captain of a ship of war, I have the honor to state that his excellency the Liberator, charged with the supreme command, to whom I submitted your said note, has ordered me to inform you that the Government, having been some time since made acquainted with the conduct of Captain Buchard, had ordered him to be put on trial before a council of war, and prosecuted with the utmost rigor allowed by the ordinances.

Don Jose Pascual Vivero, captain of a ship of war, has this day been directed to receive the declaration of Captain Lombard, and to insert in the charges any documents which he may present. The Government hopes that justice will be satisfied by the measures thus adopted, and that you, sir, will receive them as a proof of the sentiments by which it is animated.

I am, sir, your most attentive

And obedient servant,

T. DE FLORES.



(No. 3.)

*Letter from W. Tudor to the same.*CONSULATE OF THE UNITED STATES,  
*Lima, March 6, 1825.*

SIR: I have the honor to acknowledge the receipt of your excellency's answer to my letter relative to Captain Lombard, and also to say that, in pursuance of a direction from the captain of the port of Chorillos, he came to Lima yesterday, accompanied by the first officer of his ship, to give their depositions to the alferéz Salmon; but, on applying with them at his quarters, we were informed that he was with the army at the lines, before Callao. In this situation, it being impossible to leave the vessel without any officer on board, I received the deposition of the mate, to which he made oath; and the document is duly attested by me, and he has returned to take charge of the ship.

I request your excellency to inform me whether this document will be received, and what steps must now be taken by Captain Lombard to give his testimony, as he is waiting in Lima for that purpose only.

I pray your excellency to receive the assurances of my high consideration and respect.

W. TUDOR.

(No. 4.)

*Answer from the minister.**LIMA, Marzo 7 de 1825.*

Tengo la honra de contestar la nota de V. S. de ayer, manifestándole que se ha padecido equivocación al creer que el oficial Salmon, fiscal de la causa del Capitan Buchard estubiese en el Callao, cuando se le buscó en su casa, pues Salmon no ha salido de esta capital. Puede provenir esto de que á este oficial lo han tenido por el General Salmon. Para evitar en lo sucesivo todo tropiezo, puede V. S. decir á los interesados que el oficial Salmon despacha en los desamparados donde puede buscarsele, y que si alguna vez no estubiese allí, los que lo soliciten pueden presentarse me para disponer lo conveniente.

La declaración dada ante V. S. por el segundo comandante de la Minerva no puede obrar en la causa del Capitan Buchard, por que nuestras leyes desconocen este paso, principalmente cuando es muy fácil que la misma formalidad tenga lugar ante el fiscal nombrado.

Soy de V. S.

Muy atento servidor,

T. DE FLORES.

[TRANSLATION.]

(No. 4.)

*LIMA, March 7, 1825.*

In reply to your note of yesterday, I have the honor to inform you that you were in error in your belief that the officer Salmon, who acts as Cap-

tain Buchard's attorney on his case, was at Callao at the time when he was sought for at his residence, for Salmon has not left the capital. He may have been mistaken, on this occasion, for General Salmon. In order to prevent any difficulties in future, you may inform the persons interested in the affair that the officer Salmon performs his functions at the proper place, where he may be found; and that if, on any occasion, he should not be there, those who seek him may present themselves to me, in order that I may direct what course should be pursued.

The declaration given by the mate of the *Minerva*, in your presence, cannot be of any avail in Captain Buchard's case, as our laws do not admit such a mode of proceeding, particularly when it is easy for the same formality to be pursued before the aforesaid attorney.

I am, sir, your most attentive

And obedient servant,

T. DE FLORES.

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*From Mr. Tudor to the same.*

(No. 5.)

LIMA, March 22, 1825.

SIR: I have now the honor to address you at the instance of my injured fellow citizen, Captain Lombard, to request to be informed when the trial of the officer who assaulted him will take place, and to solicit that it may be terminated as early as the circumstances of the case will permit. I am persuaded that you will consider it a sufficient excuse for these questions, that Captain Lombard is now detained, and has been, for some time past, only detained, with his ship and men, at a great expense, that the wrongs he has suffered may be redressed.

I have also, at his request, to state what is the maritime usage with respect to a master of a vessel leaving it, though it will not be necessary to such of the officers of the court as are acquainted with maritime affairs. In all cases, the master of a merchant vessel is to be the only judge of the suitable times for leaving his vessel. He cannot be obliged to leave it, except by violence; and it would be a gross dereliction of his duty to obey the order of another, in a case where he only is to be the judge of what is expedient. Captain Lombard was under no obligation to Captain Buchard; and in the instance when the latter committed the violent outrage for disobeying his orders, Captain Lombard would have betrayed the interests of his owners, if, in the distressed situation of his vessel, he had gone into the boat, according to the insolent order which was given him, in such language as has been deposed to, on the deck of his own vessel.

I have stated on a former occasion that the owners of the ship *Minerva* are, not only from their extensive concerns as merchants, but from their private characters, one of the most respectable commercial houses in the United States; and it shows what is the reputation of Captain Lombard, since he was not only master of their ship, but acted also as supercargo, being trusted with all the concerns of the voyage; yet, instead of being the citizen of a free country, a man of respectable standing, intrusted with the concerns of a valuable ship and cargo, if he had been a degraded subject of Turkish despotism, or a wretched negro slave, could he have been treated with more brutal outrage? Captain Lombard is here a stranger;

and though his enemy has friends to make an interest in his behalf, and use every effort to palliate his conduct, yet my countryman feels full confidence that the cause will be judged by men of honor, under the revision of a Government rigidly just and feelingly alive to a sense of its own dignity and its friendly relations with the United States.

I could wish, sir, that this letter, or the substance of it, should be communicated to the council of war. I feel very anxious that the importance of the case should be fully understood, and, particularly, how much its nature is aggravated from Captain Lombard's vessel being pressed into the service. In my first communication on this subject, I stated that the interest I felt was two-fold: first, that justice should be done to my countryman; and, next, that a serious cause of ill-will between our respective nations should be avoided. It is unnecessary for me to state to an officer who fills such a high employment, under a republican Government, how precious to all republicans is the feeling of their personal rights; how strong their resentment against personal outrages; and how essential these feelings are for the preservation of those Governments. In no nation, of ancient or modern times, is the value of personal rights more deeply felt, in none the publicity of any violation of them more widely and rapidly spread, and in none the public sympathy for a sufferer more strongly excited among his fellow-citizens, than in the United States.

I pray you to receive the assurances of my high consideration and respect.

W. TUDOR.

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(No. 6.)

*Extract of a letter to the Minister of Foreign Affairs, dated April 3, 1825.*

Permit me, sir, to take this opportunity to request you will give directions to the fiscal who has the case of Captain Buchard under his care, to expedite that cause. It weighs with especial hardship on my unfortunate countryman, Captain Lombard, who has now been detained here with his ship three weeks, besides incurring other expenses—only to obtain justice in a case which, it appears from his statements, (supported by various testimony,) to have been one of flagrant outrage. His mates were yesterday called upon to come to Lima, for the *fourth* time; the delay and inconvenience are, to him, very considerable evils. I feel, besides, a very earnest desire that the decision of the council of war should be submitted to his excellency the Libertador previous to his departure.

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(No. 7.)

*Letter to the Minister of Foreign Affairs.*

LIMA, April 15, 1825.

SIR: In the letter which I had the honor to address to you on the 3d inst., I alluded to the process of Captain Buchard, and requested your intervention, that the fiscal might be directed to expedite it. Two days since,

I called on the fiscal, who told me that he had, the day before, sent the papers to Don J. P. Vivero, who was to name the council of war to try the cause. I called, yesterday, on Comandante Vivero, at Chorillos, and he assured me that he had not received the papers.

I will not again touch upon the reasons which made me believe this case to be one of peculiar importance, as I have already stated them in writing to the Minister of War, and verbally to his excellency the Libertador; but only repeat my solicitation that you will order this council of war to be named, and to assemble as soon as possible, in order that they may examine Captain Lombard, if they wish to do so, and thus enable him to depart.

When I mention that Captain Lombard has now been detained upwards of a month, with his ship and crew, at great expense and loss to him, and this detention with no expectation of pecuniary compensation, but only that justice may be done for the cruel and outrageous assault that was made upon him, I am persuaded your excellency will feel the hardship which falls on him, and will direct that this cause should be prosecuted with immediate despatch.

I beg your excellency to receive the assurances of my high consideration and respect.

W. TUDOR.

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(No. 6.)

*Answer to the preceding letter.*

REPUBLICA PERUANA—*Ministerio de Estado, en el Departamento de Gobierno y Relaciones Exteriores:*

PALACIO DE GOBIERNO, EN LA CAPITAL DE LIMA,

18 de Abril, 1825-6.

Tengo la honra de contestar la apreciable comunicacion de V. S. de 15 de corriente, manifestandole que antes de recibirse, yo se habia expedido las ordenes respectivos para la formacion del consejo de guerra, que debe juzgar al Capitan Buchard, lo que sin duda se verificara en el dia 21, y que el Gobierno no puede alterar los transites de los juicios establecidos por la ley.

Me repito de V. S. muy atento obediente servidor,

T. DE FLORES.

Al Señor DON GUILLERMO TUDOR,  
*Consul de los Estados Unidos.*

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[TRANSLATION.]

(No. 8.)

PERUVIAN REPUBLIC—*Department of State for the conduct of the Government and of Foreign Relations.*

PALACE OF THE GOVERNMENT IN THE CAPITAL CITY OF LIMA,

April 18, 1825.

SIR: I have the honor to state, in reply to your esteemed communication of the 15th instant, that, ere it was received, orders had already been issued for the formation of the council of war, before which Captain Buchard is to be prosecuted; and that the trial will undoubtedly take place on the

21st, as the Government cannot alter the proceedings of justice established by law.

I repeat to you my assurances, &c.

T. DE FLORES.

To Mr. WILLIAM TUDOR,  
Consul of the United States.

No. 24.

*Mr. Tudor to the Secretary of State.*

LIMA, June 4, 1825.

SIR: Since my last letter, in which I enclosed copies of my recent correspondence with this Government, no event of much importance has occurred. General Rodil still holds out in the castles of Callao; but his situation becomes every day more critical, as the officers are growing more openly disaffected, and he has lately shot one. and has now three or four in close arrest: this danger is more imminent than even famine, or the balls of the besiegers. I am still inclined to believe that he will surrender (or be surrendered) in the course of this month; but most persons, calculating on his energy, vigilance, and pertinacity, think he will hold out till August, in the expectation of receiving orders or succors from Spain.

There are some troubles at Pisco and Ica, arising from some of the disbanded soldiers of the late Spanish army having formed a corps of banditti, headed by one or two officers, and threatening to plunder those towns; report makes their number amount to 200 or 300. It is said that the Government here have employed Colonel Roulet (an officer retired from the service, who cultivates an estate near Ica) to command a small corps of cavalry, and go against them.

An event took place last week, which has caused considerable sensation in Lima, and general gratification. The second court of justice, consisting of some of the most distinguished lawyers, has been dismissed on account of an unjust decree against some English property; and this may, perhaps, be the means of saving the ship General Brown and brig Elizabeth Ann, which have been, for upwards of four months, in a state of detention; and which vessels, whatever may be the decision on the cargoes, are certainly entitled to the payment of their freight, as well as to their release.

The late Secretary of State, Mr. Carrion, died the day before yesterday at Lurin, where he had retired to recover his health. His family and friends flattered themselves that the purpose had been answered, and were expecting him in a few days to return, when he would have been president of the Council of Government. He was a very able lawyer, a friendly upright man, with much enthusiasm for the cause he served; his loss, at the present time, is to be regretted by the public. I received from him, on all occasions, the most flattering and friendly attention.

The Libertador was, at the last accounts, at Arequipa; from whence it is now said he will go to Cuzco. The provinces of Upper Peru were to have a Congress, the 25th of last month, in Potosi; and it is said they determine on forming a State equally independent of Peru and Buenos Ayres. Gen. Santa Cruz is supposed to be instrumental in these transactions, with the

intention of being made President. The presence of General Bolivar is necessary to the quiet of Peru; there are too many symptoms to show that it will be torn by factions the moment he leaves it.

The French admiral, Rosamel, in the frigate *Marie Therese*, Sir Murray Maxwell, in the Briton frigate, and Captain Kennon, in the *Peacock*, are all the foreign vessels of war at present in Chorillos.

The trial of Admiral Guise is at a stand; he has been here a month *incommunicado*, (an invention of the Inquisition, which shows, by its being still retained, how imperfectly the principles of liberty are yet carried into operation.) The charges against him are very numerous; and the language held by the Government is, that as many of them would be proven, the punishment of which would be capital, they wish to arrest the process, pay him a sum of money for his past services, and send him out of the country; and for this purpose have written to General Bolivar for his orders. There is, probably, some motive connected with the part Guise took with Riva Aguerro, that has produced his disgrace, and the trial is very likely to end in the manner above mentioned.

I hope to forward this letter by an American who goes passenger in the vessel that takes Mr. Pando and Mr. Vidauvre to Panama, as plenipotentiaries to the Congress to be held there.

I have the honor to be, with high respect,  
Your most obedient servant,

W. TUDOR.

To the SECRETARY OF STATE.

No. 25.

*Mr. Tudor to the Secretary of State.*

LIMA, June 8, 1825.

SIR: My last letter, having missed the opportunity for Panama, is put under cover with the present. Since that was written, the most important event that has occurred here is, the retirement of Mr. Heres from the ministry, which has given general pleasure, as he seems to have been equally unpopular with his own countrymen, with the Peruvians, and with every class of foreigners here. He has been named minister to Chili by the Colombian Government, and refused to accept it; but it is conjectured that General Bolivar has directed him to take it, as he has lately said he was going to Chili; and, in the mean time, has retired to a convent in a kind of disgust.

✓ The ship *General Brown*, of New York, which arrived here some months since from Gibraltar, with some Spanish passengers, and partly laden on Spanish account, was this week cleared by a decree of the court, so far as the property was neutral; which was the case of the ship, a part of the cargo on account of the owners, and a part shipped for account of English merchants. From this decision Admiral Blanco has appealed, and another long delay will probably occur before a final decision. The brig *Elizabeth Ann*, of Philadelphia, which arrived soon after from Gibraltar, with goods ✓ on neutral account, except a part consigned to a merchant here, now an emigrant in Callao, is still under trial. There is, in this case, no reason-

ble pretext whatever for the detention of the vessel, which, in any event, ought to have been liberated, and have received her freight. The consignees, from some late occurrences, previously mentioned, anticipate a favorable decision this week.

I enclose the concluding letters relative to the exaction of militia service from American citizens.\* They have paid the five dollars, and now do their business at the custom-house as usual. As a tax fairly levied for the support of the city and Government, it could never have been a subject of any representation from me; but it is such a violation of all right to call upon foreigners to perform military duty, and leaves them exposed to such deplorable oppression, that I felt myself bound to remonstrate. Enough has been done, by way of protest, to save the principle; and all the points connected with it will doubtless be hereafter regulated by treaty. I may add, that there is a satisfaction in reflecting that every step taken here by foreigners in defence of their rights, is of use to the people and Government of this country; for the practice and the value of personal civil or political rights are yet most imperfectly understood, and those who defend them are, therefore, very useful missionaries.

The circumstances of the country have considerably impeded the exact execution of my consular duties. The vessels lie in such an exposed situation at Chorillos, being liable to be driven out to sea suddenly, and also not wholly exempt from danger of being taken by a Spanish cruiser, that I have allowed the masters to retain their papers. One or two of them have taken advantage of this indulgence to discharge their seamen improperly. Whenever the port is restored to Callao, I shall call upon them all to deposit their papers. The income from the fees of the office is not sufficient to pay the moderate salary of a clerk to take care of its concerns; and the individual who would live in Callao, and devote all his time to its execution, for the very slender emolument it would afford, could hardly be such a one as would do credit to the Government. I named Mr. Prevost vice consul, believing him to be the most suitable person here, and thinking it might be of importance to him in his commercial transactions; but he appears to find the trouble much greater than the advantage. I wish some plan could be devised that would place these officers on other foundations. The fees are paid, in most cases, with grumbling and reluctance; and yet they are, in most places, insignificant in amount. The English consul general here had £2,500 pounds a year, a vice consul with £500 more, secretary, &c., and various emoluments. I do not wish to see the profuse expenditure of the English Government imitated by the United States, but I found so much surprise expressed on one or two occasions at my having no pay, and, perhaps, a tendency to estimate the laborer according to the hire he received, that I was almost tempted to show frankness on the subject.

The condition of our seamen seems to require, as well from policy as humanity, the attention of the Government. Their reformation ought to be attempted, and can only be effected by the joint exertions of the merchants, insurers, and ship-owners of the United States. Philanthropists can hardly find a wider field for their labors. A very large portion of our seamen are profligate and reckless, and equally disregard their private engagements and their duty to their country; they desert on every opportunity, inform against their vessels for a trifling bribe, and enlist under any

\* Copies of the previous part of this correspondence were sent with No. 20, the 26th ultimo.

flag, to fight against each other or their country; they, in fact, have no country, no home, no hope. Owners and masters cite, on all occasions, their misconduct and ingratitude as a reason for treating them ill, and the seaman takes his revenge by meriting the treatment he receives. Too many owners in the United States are wholly regardless of the comfort or character of their seamen, but hire them when the ship is ready to sail, and discharge them when she arrives in port; looking only, in the first instance, to their physical requisites, as of so many cattle; and in the second, to every possible deduction they can make from their wages. Too many officers are without consideration or feeling for their crews; and I must declare, that, if I have seen numerous cases of the profligacy of the sailors, I have seen others, of conduct in their masters, which was nothing else than deliberate swindling.

The hope of amelioration can only come by a regular and extensive system, to encourage good conduct in the seamen, and attach them to their country, by giving them some motive of interest—some stake at home—some certainty of a provision for their old age. Individuals interested in the commerce of the country must unite for this purpose; form registers of the seamen; take a small contribution from their wages; contribute a small tonnage assessment; give a preference to registered, deserving seamen; attach them to their service; and, by thus forming a fund, from which they could look forward to support when invalided, this would give our seamen a motive for steadiness, and fidelity, and attachment to their homes. Such a scheme may have obstacles to overcome, but none, I am confident, that are insuperable. The money that has been lost to underwriters and merchants, by the dishonesty or treachery of seamen on this coast alone, since my short residence here, would, of itself, form a respectable fund. The Government might give its countenance and assistance to such attempts. I trust the object will excuse these suggestions, which I have, on a former occasion, had the honor to make to the Secretary of the Navy.

In my letters, I have seldom attempted more than to give the current reports and circumstances of the day for the information of the Government. Having never received any acknowledgment of any of the letters I have written, I cannot avoid considering it as an expressive indication that my volunteer efforts are not acceptable. The position of Peru is such, that it might attain to great prosperity, if the Government should pursue a liberal and enlightened policy. The port of Callao being the best between Concepcion and Guayaquil, and nearly central, it might become the chief mart of commerce for the produce of Asia, and that of the rest of the world destined for the consumption of the western side of this continent. For this purpose, the establishment of steamboats from hence to Panama, to produce a more speedy communication between Peru and the United States and Europe, and another line between this place and Concepcion, touching, in both cases, at the intermediate ports, would be the first step towards its prosperity. Its rich mines, as yet comparatively untouched, and the exuberant fertility of its few fertile valleys, would make its production immense—though the country is chiefly composed of deserts, and is now in a state of poverty and exhaustion from the war. Of the character of its population, of the principal persons in the Government, and of the various hopes and fears that these may create, much might be said; but, for reasons above alluded to, I forbear. I will only add, that, as the war is everywhere at an end with a foreign enemy; as the country, like its neighbors,



must soon be recognised as an independent State ; and as the Government will derive a considerable degree of dignity from the residence of accredited agents of foreign powers, these circumstances will do much to prevent those calamities and perils from internal factions and external enemies, with which the other States of South America have had to contend in the outset of their career.

The firing between the batteries and the castles has been very constant the past week ; and the village of Callao is nearly destroyed by the bombs. Most persons presume that General Rodil will hold the castles (as he declared he would do) until August, when he expects orders from Spain. He discovers great talents in conciliating the soldiers, and keeping them ignorant of the real state of affairs ; and, although all his officers are dissatisfied, and every individual around him suffering bitterly from his holding out, his energy and vigilance are so incessant, that it is hardly possible to plot against him.

The frigate United States has arrived from Chili, and brings no intelligence of importance. The Peacock goes up to Valparaiso. The English frigate Briton, and Admiral Rosamel, in a French frigate, are lying at Chorillos : with the latter, I have recently exchanged some letters on a subject of no great moment, but, as he has shown a friendly disposition in aiding our vessels, and is a very distinguished officer, I have taken the opportunity to cultivate a good will, which, from the very friendly and courteous tone of his letters, I may presume will be kept up. Circumstances have hitherto prevented our meeting, but I hope for it on my return. I leave here, in a day or two, on a visit to the Sierra, and Mr. Prevost acts in my absence.

I have the honor to be,

With high respect, your obedient servant,

W. TUDOR.

To the SECRETARY OF STATE.

[With Mr. Tudor's letter of June 8, 1825.]

*Mr. Tudor to the Minister of Foreign Affairs.*

LIMA, May 31, 1825.

SIR : It has been stated to me, by Mr. Macall, that, in an interview which he had the honor to have with the most excellent the Council of Government, this morning, it was agreed, in behalf of the merchants of the United States residing in Lima, that they should contribute five dollars a month from each mercantile house, towards the expenses of the police of the city, and the discriminating duty levied at the custom-house would be removed. I have, therefore, at the request of my countrymen, to communicate their readiness to pay the stipulated sum ; trusting that the Government will perceive, in this step, their disposition to contribute their fair proportion towards the expenses of the city, and that a treaty of amity and commerce between our respective nations will hereafter regulate all the points on which, in connexion with this subject, doubts have arisen.

By gazettes to the beginning of February, which I received yesterday from the United States, I perceive, in the correspondence laid before Congress, that Spain has made the most violent, though rather tardy, remonstrance ;

on the subject of the friendship shown by the United States to the Governments of South America, and including the absurd threat, that, if the United States did not withdraw their recognition of those Governments, Spain would reclaim the Floridas. A bill was also before Congress to check the enormous atrocities of the pirates sailing from Cuba and Porto Rico; and one of the provisions was, to blockade the ports of those islands in which pirates were received and protected. It is also stated that an order had been received to launch all the ships of the line on the stocks, and put every ship in the navy of the United States in readiness for service.

I have the honor to inform your excellency that I propose to set out, in a few days, for the vicinity of Oyon, with the expectation of passing a few weeks in that district; that I shall be happy to take your commands; and that Mr. Prevost, the vice-consul, will discharge the duties of the consulate in my absence.

I pray you to receive the assurance of my high consideration and respect.

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*Answer of the Minister of Foreign Affairs to the preceding.*

PALACE, June 4, 1825.

Su excelencia el Consejo de Gobierno, á quien dicuenta de la esposicion de V. de 31 del pasado, ha visto con asombro la inteligencia que M. Macall ha querido dar a las palatras con que se terminó la representacion verbal hecha en el mismo dia, sobre la contribucion personal de cinco pesos al mes para atender á los gustos de policia de seguridad publica. La materia se halla es puesta con la mayor claridad en el articulo oficial que se publicó en la Gazeta de 22 de Mayo de este año, No. 47, de manero que nadie puede dudar que la obligacion es personel asi como es personal el interés de conservarse cada uno, y conservar sus propios intereses. Siendo pues las sociedades particulares de dos ó mas personas con aptitudes, para el servicio, de que se ha de reportar una utilidad comun es estraña y violenta cualquiera interpretacion que quiera darse a una resolucion tan clara como equitativa. S. E. que desea ver el termino de este negocio se ha servido declarar, que la palatra familiar de que se usó en aquel acto, no es aplicable colectivamente á una sociedad, que puede constar de muchas personas sino individual y comprensiva a todos y cada uno de los miembros capaces de concurrir al servicio que demanda la tranquilidad y seguridad publica en las presentes circunstancias, por si, ó por medio de la exigera contribucion mensual de cinco pesos que ha de invertirse en el mismo objeto, y que estando en su arbitrio elijer este medio, ó el de pagar un cinco porciiento sobre los dros actuales de importacion, podran adoptar el que les pareciere mas conveniente á sus propios intereses. Con la respuesta de V. acerca de este particular que espera el Gobierno, se daran las ordenes que convengan a su cumplimiento.

Ha visto tambien S. E. el Consejo de Gobierno las ultimas noticias que V. me comunica en la propia nota sobre las disposiciones de los Estados Unidos á consecuencia de las representaciones y amenazas con que el Gobierno Español intentaba retraer á la republica de la amistad que ha manifestado á los Gobiernos independientes de Sud America, y para reprimir la pirateria de los mares protegida en las islas de Cuba y Porto Rico.

Tendré la mayor complacencia en que V. logre el objeto con que piensa

partir al pueblo de Oyon ; y durante su ausencia Mr. Prevost, como vice-consul, se entendera con este Ministerio en todas las materias relativas al consulado.

Accepte V. los sentimientos de respeto y consideracion de su muy atento obediente servidor.

Por enfermedad del Ministro.

JOSEPH DE MORALES.

[TRANSLATION.]

PALACE OF THE GOVERNMENT,

*Lima, June 4, 1825.*

The most excellent Council of Government, to which I submitted your exposition of the 31st ultimo, has learned, with astonishment, the interpretation which Mr. Macall has thought proper to give to the representation made on that day, respecting the personal contribution of five dollars per month, for the expenses of the police of public security. The matter is set forth with the utmost clearness, in the official article published in the Gazette of May 22, of this year, (No. 47,) so that no one can doubt that the obligation is personal, as is, also, the interest which each man has in preserving himself and his property. As private associations consist of two or more persons who are fit for the service, from which a common benefit is to be derived, any interpretation which can be given to a resolution so clear and equitable, must be improper and unauthorized. The council, which is desirous to have this affair terminated, has been pleased to declare that the familiar term employed in that act is not applicable, collectively, to a society or company which may consist of several persons, but individually, and as comprehending all and each of the members capable of performing such service as may be required for the tranquillity and security of the public, under present circumstances, either by affording that service, or by substituting for it the small monthly contribution of five dollars, to be employed for that purpose ; it being left at their option, either to adopt this means, or to pay five per cent. on the existing import duties, as may be most suitable to their own convenience. The Government, after receiving your answer on this subject, will give the orders necessary for complying with it. The most excellent Council of Government has also been informed of the dispositions which, as you communicate in the same note, have been adopted by the United States, in consequence of the representations and menaces employed by the Spanish Government to induce the republic to withdraw the friendship hitherto manifested by it towards the independent Governments of South America, as well as of those for the suppression of the piracy carried on under the protection of the islands of Cuba and Porto Rico.

I shall be happy, sir, if you should succeed in obtaining the objects of your contemplated visit to the village of Oyon : during your absence, Mr. Prevost, as vice consul, will communicate with this ministry on all affairs relating to the consulate.

Accept, sir, the assurances of respect and consideration from your most obedient and attentive servant,

JOSE DE MORALES,

*Acting in the place of the minister, who is sick.*

To the CONSUL GENERAL of the United States of North America.

*Reply to the preceding.*

LIMA, June 4, 1825.

SIR: I have the honor to acknowledge the receipt of your excellency's letter of this day, and I regret extremely that there should have been a misunderstanding respecting the payment of the monthly contribution, towards the expenses of the police of the city: but the American merchants residents here, are ready to comply with the requisition on the principles explained in your letter; and I respectfully request, in their behalf, that the necessary directions, in consequence, may be given at the custom-house for the despatch of their business.

I pray you to receive the assurances of the high consideration and respect with which I am

Your most obedient servant,

W. TUDOR.

To the MINISTER OF FOREIGN AFFAIRS.

*Reply from the Minister of Foreign Affairs.*

PALACIO, Junio 5 de 1825.

En consecuencia de lo dispuesto por S. E. el Consejo de Gobierno sobre arreglo de policia designado, estan dadas con anticipacion ordenes para que en la aduana no se detengnr los efectos de aquellos que hicieren constar por boletos haber satisfecho la custa consignada para aquel objeto.

Es cuanto tengo que decir á V. contestando su muy apreciable nota de esta dia, y repetirle que soy, con toda consideracion, su muy obediente servidor,

JOSE DE MORALES.

Al Señor CONSUL, &c.

[TRANSLATION.]

PALACE OF THE GOVERNMENT,

Lima, June 5, 1825.

In consequence of the determination adopted by the most excellent Council of Government, respecting the contemplated regulation of the police, orders have been given, in anticipation, that the effects of those persons, who show by tickets that they have paid the duty established for this purpose, shall not be detained at the custom-house.

This I have the honor to communicate to you in reply to your esteemed note of this day; and I repeat to you, at the same time, that I am, with a consideration,

Your most obedient servant,

JOSE DE MORALES.

To the CONSUL GENERAL

*Of the United States of North America.*

No. 26.

*Mr. Tudor to the Secretary of State.*

LIMA, June 12, 1825.

SIR: I have omitted, in previous letters, to speak of a regulation of this Government which will have an injurious effect on an important article of our commerce. It is decreed that, after January next, all *tucuyas* shall pay an additional duty of 10 per cent. Under this name of *tucuyas*, are included all the bleached and unbleached cotton cloths of the United States; the consumption of these is considerable, and, from the excellence of those fabrics, increasing. But certain goods of English manufacture, inferior, indeed, in quality, but applied to the same uses, are exempt; and the consequence will be, an exclusion of our fabrics from the market. Whether this be a matter for negotiation, or an obstacle which must be left to the ingenuity of the manufacturers to overcome, must be for the decision of the Government. The avowed object is, to encourage certain coarse manufactures of their own—a policy which we cannot object to, unless its operation be partial, leaving English and India cottons on the present duty, and excluding, by the manner in which they class them, those of the United States.

Nothing new has occurred since my last. The Peacock sailed to-day for Valparaiso.

I have the honor to be, with high respect,  
Your obedient servant,  
W. TUDOR.

To the SECRETARY OF STATE.

No. 27.

[EXTRACT.]

*Mr. Tudor to Mr. Clay.*

LIMA, January 24, 1826.

SIR: I arrived in this city yesterday, after an absence of several months, and found it in the midst of rejoicings for the surrender of Callao, after fourteen months' siege, and the death of great numbers of wretched fugitives, who have perished of misery and despair within its limits.

I pray you to receive the assurances of my high respect.

W. TUDOR.

Hon. HENRY CLAY,  
*Secretary of State.*

No. 28.

[EXTRACT.]

*Mr. Tudor to Mr. Clay.*

LIMA, February 23, 1826.

SIR: My last letter was forwarded *via* Panama, to communicate the intelligence of the surrender of Callao. I have now the honor to enclose

the reports of the vice consuls for this place and Arica, for the six months ending with 1825. These do not give so many particulars as I could wish; but, as the office affords no emolument, I cannot expect of them to employ the time and expense that would be necessary to make it more exact. During the time that the vessels have lain at Chorillos, (which has been since November, 1824,) I have allowed the masters of vessels to retain their papers on board, owing to their exposed situation, and because those inducements to an improper use of them, against which the law was particularly directed, did not exist here. The commerce being now restored to the bay of Callao, I have required that they should be again deposited with me.

As it is generally believed that an arrangement will be made between Peru and Bolivia, to cede the port of Arica to the latter, (and in this case it will no longer form part of the Peruvian consulate,) I take the liberty, should this event be realized, to recommend that my vice-consul, Mr. Alfred Cobb, should receive the commission of consul for that port. Mr. Cobb is established in business at that place, and, having resided a few years in this country, he speaks the language well. He is a young man of firmness and prudence, and has preserved the moral habits and principles in which he was brought up; and I fully believe the appointment would be well bestowed, and its duties discharged to your satisfaction. I have no other motive in making this suggestion than the esteem I feel for Mr. Cobb's character.

Troops continue to be sent to leeward—some to Guayaquil, and others to Panama; a part of these are Peruvian troops, in exchange for Colombians remaining here: a measure of policy not unlike that taken some years since of exchanging the English and Irish militia. It is one of the rumors circulated here, that a force will be sent from Colombia and Mexico to dislodge the Spaniards from Cuba, who, instead of acknowledging these countries, and securing their friendship, make use of that position to annoy them: a policy that will inevitably deprive Spain of the last of her colonies.

The Libertador returned here a few days after the surrender of Callao, and resides at La Magdalena, a country house a league from the city, into which he made a triumphal entrance some days since. Acting as a mediator between Peru and the new republic, and preparing measures for the resignation of his authority, furnish him with much occupation. The Congress will assemble as soon as a constitutional number shall have arrived; which is not yet the case, none of them from Cuzco having come down, and, unfortunately, a majority of the whole are clergymen.

The hopes of Peru, as well as the wishes of the Libertador, were fixed on Marshal La Mar to take the presidency of the republic. He is the only individual who unites public opinion; and, as far as my experience extends, not a dissident would be found in the country. He is extremely beloved and respected. But his constitution is not strong, and he is really in very ill health. I had recently a long and frank conversation with him, in which, being exempt from all suspicion of flattery, I spoke to him of the state of public opinion, and the feeling of all parties towards him; and though, perhaps, not obliged to play the part of Curtius, yet his acceptance of the place would prevent the opening of that gulf which it might be feared faction would create if he retired. I think there is a little of nervous melancholy mixed with real illness, and that he apprehends more danger than I trust will happen.

He told me he only came here from Guayaquil, where he left his family.

to prove to the Libertador and the Government that his illness was not feigned, and that he was utterly incapable of taking the command. He has asked for leave of absence, and a hope is given of his return; but I believe, if he goes, he will not come back. His repugnance to taking the command seems invincible—a subject of great regret to General Bolivar and to all Peru.

I pray you to accept the assurance of my high consideration and respect.

W. TUDOR.

HON. HENRY CLAY,  
*Secretary of State.*

No. 29.

*Mr. Tudor to Mr. Clay.*

LIMA, February 28, 1826.

SIR: In my last letter of the 23d instant, I had the honor to enclose the reports of my vice-consuls for Lima and Arica, ending with 1825; and, also, copies of documents relating to the debts and credits of General Rodil, which, fortunately, affected only one American citizen; but should he fail in obtaining remuneration by the exertions he is making, it may be necessary hereafter to sustain his claim against the King of Spain.

In my letter, (No. 23.) dated June 12, I mentioned the subject of an additional duty ordered to be levied on American cotton goods from the beginning of the present year. It was, however, I am informed, thought inexpedient to effect the object of the Government in that manner, and, instead of it, a discrimination has been made by valuing American cotton cloths, bleached and unbleached, at double the amount which English and India goods called Madapollains, and others of a similar description, are estimated. There is, however, some injustice in this course; but more, as I am told by some merchants most conversant with the business, in the principle than its actual operation, because not many of the rival articles have of late been brought from England, and no vessel has arrived here from India for upwards of eighteen months; almost all goods manufactured in that country having come here through the United States, and only small quantities in that way. The reason avowed for the obnoxious treatment of American cotton goods is, to encourage a Peruvian manufacture of some coarse varieties called *tucuyas*, which are truly a domestic fabric, and resemble our unbleached cloths.

As I do not think the evil at present a serious one, our manufactures being still sold at a fair profit, I have thought it best not to interfere; as my commission does not authorize me to undertake any species of negotiation, and I have no doubt, whenever the United States have a representative here with diplomatic powers, that this affair will be easily arranged, at least so far as to prevent any thing invidious in the execution of their regulations. In regard to the main point, their policy, whether wise or not, in protecting their trifling manufacture of *tucuyas*, we cannot object to; but, unless they lay a prohibition, either by an extravagant duty, or by a direct law, will continue to be imported here, and their consumption in all the South American markets will go on to increase, as their unequivocal superiority to similar fabrics becomes known by a trial of them.

The general aspect of the trade of the United States with this country is at least as favorable as that of other nations; for, besides those articles of foreign produce, which enter more or less into the general cargoes, which most of our vessels bring hither, the principal articles of our own produce yield a fair profit at this period, when neither extravagant gains are to be expected, nor the risks to be encountered with which they are commonly attended. The present price of flour pays but a small freight to the shipper; and as the provinces of Chili, after an interruption of three or four years, have again become productive, the stock of grains brought from that country will keep down the prices of flour, and deprive us of that temporary monopoly we have possessed; but the flour from the United States is so superior in quality, that the bakers give it a preference over every other; and a portion of the consumption will be supplied by us, at least till they shall have learned in Chili to improve their manufacture of it. Other articles of provisions still sell advantageously; but the supply from the United States will be lessened, in a degree, by some articles from Chiloe, and especially when the large estates on the plain of Chancai and the valley of Haoura, that are devoted to the raising of swine, shall be fully restored to their former productiveness, in the article of lard that has sold at high prices, and of which the consumption here is very great.

The trade of the French and Dutch appears to be increasing with this country. A consul of the King of the Netherlands arrived here about three weeks since, who is also agent of the Dutch Commercial Company, and brought with him a cargo of \$200,000, and others are to follow. Their operations are intended to be on an extensive scale, and the proceeds of their cargoes here will be sent in dollars to China, to purchase cargoes for Europe.

Colonel Alvarez, the minister from Buenos Ayres, left here about two months since, and they have now no diplomatic agent here. Mr. Ricketts, consul-general from England, came here early in January—whether with a diplomatic commission in reserve, I am uncertain; he has, also, a private agency relative to mining operations.

The French Government have no acknowledged agent here; but Admiral Rosamel, previous to his departure from this ocean, made known to the Governments of Chili and Peru an offer of the King of France to receive a certain number of youths, who should be taken to France, receive the best education there, and be afterwards sent home, entirely at the expense of the King; a measure of policy very characteristic of that court. The French officers have also circulated the report, that these countries would be speedily recognised by France; a language they have, no doubt, been instructed to hold.

Since my last letter, we have received the agreeable intelligence of the surrender of Chiloe and its dependencies—an event that must have a salutary effect in Chili, and will, probably, expedite the assembling of a Congress, and a more regular organization of the affairs of that country.

The surrender of Callao is a great relief to the affairs of Peru, not only in terminating the last scene of the war, and bringing back the commerce to Callao, where the vessels lie secure, and the expense of landing and transporting goods is much diminished; but it also restores a number of fine estates to their owners and to cultivation, and produces an immediate diminution of expense. A part of the Colombian force, their ranks completed by Peruvian recruits, are returning to the isthmus. The Protector



frigate, and one or two other vessels of war, are laid up in ordinary; and other measures taken of the same description, which will lessen their expenses.

Mr. Pando, one of the delegates of Peru to the Congress of Panama, has been recently appointed Minister of Foreign Affairs; and Mr. Tudela, who has been a distinguished partisan of Riva Aguerro, is sent to replace Mr. Pando. Dr. Unanue is at present Minister of Foreign Affairs, and acting President of the Council of Government. Some persons think that, owing to his age and feeble health, he intends to retire; but it is also said that, under the new organization of the cabinet, there will be five ministers, and that he may still continue in place.

The new Congress was to have assembled the middle of last month; but a sufficient number of delegates to form a constitutional quorum have not yet arrived here, and several elections have been declared void, by a commission employed in examining the returns. The rainy season, which now prevails in the mountains, and with considerable violence the present year, renders travelling over mountain roads and torrents nearly impracticable. It is also said that the delegates from the department of Cuzco show some unwillingness to come to Lima, as between the two cities a degree of rivalry exists. Unfortunately, a majority of the whole Congress are curates or clergymen of some description; and very few of this class have that liberality of sentiment, or disposition to encourage public enterprise in developing the resources of the country, on which the prosperity of Peru must depend.

The most interesting political question at the present moment regards the presidency of the republic. The wishes of General Bolivar, and, so far as my experience extends, of all parties in Peru, to the greatest degree of, if not perfect, unanimity, were fixed on General La Mar, who unites all the requisites, besides the very important one, at the present moment, of universal popularity for filling the situation. He is, however, in very ill health, which contributes to desponding views of public affairs, and makes him persevere in refusing to be a candidate, though he would have no competitor. This is a great misfortune, and the Libertador will have much difficulty in finding any other individual who would unite a majority in his favor. General La Mar has asked for leave of absence to return to his family at Guayaquil, under the idea of returning, if his health improves, in four months; and this leave has been granted: but if he goes, I believe he will not return; and I form this opinion after a long and very frank conversation with him on the state of Peru, and the question of the presidency.

There are no official statements, relative to the finances of Peru, that can afford any exact idea of their situation. The report made to the last Congress, by Doctor Unanue, then Minister of Finance, only spoke in general terms, and is chiefly remarkable for having quoted Homer, which is, probably, the first time he was ever cited in a Treasury report. I have understood that, from recent investigations, General Bolivar has said that the debt would amount to nearly \$40,000,000. The resources are chiefly derived from the duties on merchandise and on the precious metals. In both instances, they are too high, and the receipts would probably be greater, were the exaction less; not only because smuggling would be diminished, but the consumption of some articles would be increased. The advantages of lowering the duties on the precious metals would arise from the diminution of contraband, and from the working a greater quan-

tity of the poorer classes of ore, which now, owing to the high prices of salt and quicksilver necessary for their amalgamation, joined to the high rate of duties, renders useless great quantities of ore, which would otherwise be worked.

One of the topics of interest in Lima at the present moment is, the trial of Berindoaga (Count de San Donas.) At the time of the treachery of Torre Tagle, and the revolt of the castles—events which prolonged the war in Peru, and brought great calamities upon it—Berindoaga and Aliaga were ministers, and joined Torre Tagle in deserting the patriotic cause. Aliaga, though a poor politician, was a man of excellent character in private life, and the esteem in which he was generally held as an individual, would have gone far in his favor; but he, as well as most of his connexions, Torre Tagle, and the whole of an extensive family, except three infant children, died in Callao. Berindoaga, a few months since, was taken on board the Protector frigate, employed in the blockade—as his enemies say, while intending to escape to a French ship of war, but, as he avers, to surrender himself voluntarily. He has been since in confinement, and, after undergoing various examinations, is now under trial by the high court of justice, which is divided into two commissions: by the first, he has been condemned to death, and has appealed to the second, where, no doubt, the sentence will be confirmed. The public voice is much against him, and he is supposed to have borne a principal part in those intrigues which betrayed the patriot cause, and brought the Spaniards back to Lima and Callao.

*March 6.*—A rumor is in circulation, that is probably not without some foundation, respecting the presidency. The refusal of General La Mar to serve, throws the responsibility on the Liberator, as there is no other person who has public opinion united in his favor. It is now said that General Bolivar will be elected President, and that he will nominate a Vice President, who will exercise the executive power; and that Colonel Orbegoso, prefect of Truxillo, and a deputy to the Congress, will be the Vice President.

This latter officer is described as a man of good sense, activity, and excellent private character, and well qualified to administer the Government, under the auspices and influence of Bolivar's name.

I pray you, sir, to receive the assurance of my great respect and consideration.

W. TUDOR.

HON. HENRY CLAY,  
*Secretary of State.*

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No. 30.

[EXTRACT.]

*Mr. Tudor to Mr. Clay.*

LIMA, April 9, 1826.

SIR: The Congress assembled on the 28th of March, for the purpose of organizing themselves. The spirit of opposition to the administration was

manifested in the first movements. The principal topic of discussion was, the verification of their elections, the time and mode of taking the oath, &c. The returns of the elections had been given by the existing administration, to whom was confided the whole power of the State, to the supreme court to examine. Several persons who had been returned were declared not entitled to their seats for various deficiencies of constitutional qualification. The Congress, I understand, contended that they had the sole right to judge on all these points. Mr. Lanea, one of the Council of Government, is one of the members; and he, with his friends, were left on all questions in a minority of 18 or 20, in a house of 66 members. This opposition was directed ostensibly against the "Council of Government."

General Bolivar, disgusted with these proceedings, which he considered as aimed at him through his ministers, on the 31st publicly declared his intention of immediately withdrawing from the country, and ordering all the Colombian troops to return home; and a small vessel of war was ordered to hold herself in readiness to take him and his suite on board. This menace produced a considerable effect on the public mind, as every one can see that, in the present state of the country, such a measure would plunge it at once into a conflict of factions. Deputations from the capital, and other public bodies of the capital, and a committee of seven from the Congress, containing a member from each department, waited upon him, to assure him of their unlimited gratitude and entire confidence, and entreating him to remain. He yielded to their wishes.

It is very difficult to get an accurate account of these proceedings; part of the sessions were private. There are no newspapers to discuss political topics, and those persons who are best informed are reserved in their communications. The opposition party say that they are disgusted with the *Consejo de Gobierno*; that most of its acts have been foolish and tyrannical, and many of them so impolitic, that the Libertador was obliged publicly to reverse them; that Mr. Unanue is incapacitated, by age, from holding his situation, and for which at no time he was properly qualified; that he is avariciously filling his own coffers, while all the officers in the civil department receive only half pay, on which they are unable to live. They say that they will gladly make the Libertador the constitutional President of the republic; but that the war being now over, they ought no longer to consent to granting unlimited powers, &c.

The friends of the administration say that the Congress were discussing points prematurely, and before they were organized; that they were attempting to pass acts which would have violated the constitution; that the opposition wish to get the power into their own hands, by a modification of the Executive, in an illegal manner; that their views are factious and narrow-minded; that they are entirely led by the canon Luna Pizarro, whose motives are selfish, and his opposition is to revenge himself against the Libertador for having preferred another as dean and ecclesiastical governor of the diocese of Arequipa; that they neither possess the enlarged views nor the intelligence necessary to initiate measures for the prosperity of the republic; that they should, in the present state of the country, receive a direction from the great talents of the Libertador, and more gradually towards the management of affairs of which hitherto they have never taken cognisance, and whose combinations they are inadequate to form; that the majority of them are clergymen, governed by an *esprit du corps*; and that,

for some years to come, the advantage of the country will be promoted by allowing the Executive to have a leading influence in all measures, &c.

Such is the summary of what is said by the respective parties. On the side of the opposition, the principal person is Mr. Luna Pizarro ; on that of the administration, Mr. Lanea, (one of the Consejo ; ) the canon Pedernonte, dean of Truxillo ; Mr. Villaran, curate of Taena. On the 5th instant, after several meetings, they adjourned rather abruptly, on discovering that they did not possess a constitutional quorum, and that they must wait till some more members come in.

The presence of General Bolivar is, unquestionably, of vital importance to the quiet and advancement of the two republics of Peru. So long as he remains, they will be safe from any dangerous conflicts of faction ; and under the influence of his name, the interior and exterior policy of these republics may be established gradually on a liberal scale, and individuals be formed with those requisites necessary for an enlarged view of political affairs, which are now almost wholly wanting.

We have had a report in circulation that the crew of the Dolphin had mutinied, and ran away with that vessel. I mention it, as the story may reach the United States, and create some uneasiness. I have taken every step to trace it, but in vain, and am convinced it has no foundation. It has probably arisen out of the circumstance of her having been despatched in search of mutineers, which has been converted into a mutiny on board ; that vessel is now daily expected back from the expedition. The Peacock is at Callao ; the United States is on the way down from Valparaiso, touching at the Intermedios. The English ships Cambridge, Blanche, and Mersey, and the French corvette Diligente, are at Callao.

Our latest advices from the United States are to the beginning of December—a period, however, not greater than the average interval between our dates. This long delay of advices is a great disadvantage to our commerce. The English Government appear to feel all the importance of facilitating correspondence, and attempt to make it as easy and regular with all commercial countries as it is in their home establishment. This is shown not only in the expensive establishment of their packets, but their ships of war are much more systematic in aiding the same object than those in the United States. Convenient notice is always given to the merchants of the departure of their ships ; and every possible facility given for sending letters. Our commanders, I presume, do not receive the same instructions ; and it seems to depend on their individual disposition to oblige, whether any notice is given of the sailing of a vessel. Some particular instruction on these points might, perhaps, be productive of advantage.

On this subject, I am convinced that the Government of the United States might essentially promote the commercial interests of the country, by establishing a more frequent communication with Panama. The time requisite for corresponding with the United States and these countries will be diminished one-half, besides being made regular whenever steamboats are established from Callao to Valparaiso and Panama—a measure of such vast and obvious moment to the prosperity of Lima and the whole of Peru, that it cannot be long delayed. Probably our merchants will soon have a line of steamboats between Chagres and Carthagena and their own ports ; but, until this is done, if the Government would despatch, once a month, one of their small vessels destined to cruise on the West India station, to the isthmus, giving notice of the time of sailing, it would be a great assistance to

our commerce. In this mode, advices of the market might be given in 60 or 70 days, and sometimes less. The importance of early information is very preponderating. For the trade of these countries we shall have to encounter a very active rivalry with England, France, and Holland; but if this route for communication were regularly used, it is not perhaps too much to say that it would give the merchants of the United States such an advantage in receiving advices so much sooner than those of Europe can obtain them, that it would give them gradually a superiority in supplying these markets, even with the manufactures of those countries, besides making the trade in articles of their own much less hazardous.

In my letter (No. 21) under date of 27th April last, I had the honor to inform you of the very objectionable decrees respecting Spanish produce, and of whose terms I afterwards obtained some modification; it has, however, so far as I can ascertain, never been executed. Various vessels have arrived here with produce of Spanish origin, who knew nothing of the decree at the time of their sailing.

I pray you to receive the assurances of my highest respect and consideration.

W. TUDOR.

Hon. HENRY CLAY,  
*Secretary of State.*

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No. 31.

[EXTRACTS.]

*Mr. Tudor to Mr. Clay.*

LIMA, April 25, 1826.

SIR: My last letter of the 11th instant goes by this present opportunity direct to Philadelphia, a change having been made in the voyage of the vessel by which it was to have been sent. I ask your reference to that letter for some account of the first meetings of the Congress, and have now the honor to relate what has subsequently occurred.

That body having adjourned *sine die*, to await the arrival of a few members to form a quorum, four or five only being wanting; and a part of these had arrived, when a decree of the Government was published, declaring that the powers of the delegates from several provinces named being irregular, the meeting of Congress must be deferred until new and regular powers could be obtained; and as many of them are very distant, the slow progress of the mail, and the reassembling of the electoral colleges, would require three or four months to effect the object.

The objection to these powers is, that they are *ample*, (*amplios*.) In this state of things, the party attached to the administration have got up a petition to the Libertador to continue in the exercise of the dictatorial power two years longer; and it is said that twenty-two signatures, out of a body of whom seventy are present, have already been obtained. While this is doing, General Bolivar has, on all public occasions, spoken against this exercise of power, which he considers odious and dangerous; and, on various occasions, has expressed himself anxious for the meeting of

Congress, that he might not only resign it, but also all further direction of their affairs.

Wishing to understand what were the views and sentiments of the opposition, I had a long conversation with Mr. Luna Pizarro, who is its leader and soul. He is a canon of the cathedral of Arequipa; was bred up by the bishop of Chanes, La Rosa, and was a member of the Spanish cortes, where he was considered an ultra-liberal. He was so decided a patriot in Peru, that, while the Spaniards held Arequipa, he was obliged to absent himself and reside in Chili. He is a man of talents, of agreeable manners, very republican in his principles, and seems to have little more of the priest than the dress.

I asked him what were the views of the opposition. He told me that they were most anxious that the Libertador should continue in the direction of affairs; that his talents, his experience, and the influence of his name, were most important to them; but that he should be the constitutional President of the republic. That the members of the *Consejo* had shown themselves, by most of their acts, (which Bolivar had been obliged to annul by reason of their impropriety,) incapable of administering the affairs of the Government; that they were well known to be monarchists; that, in their hands, the public affairs would soon be involved in total ruin; that the war was now over, and they ought no longer to be governed by bayonets; that, under the guidance and influence of Bolivar, they might begin to organize a constitutional administration of their affairs, and seek to form men capable of public trusts; that hardly any such existed; that he would select a number of young men, the most intelligent and promising who could be found, and send them to the United States and to Europe, to observe and study the proceedings of legislative bodies, and the modes of administration; and that, among some of them, they should probably get a few who, in the course of four or eight years, might obtain knowledge that would qualify them to enter into branches of the public service. That the plan of the last Congress, which had ordered a dozen to be sent to England for education, was well enough, as far as it went; but that there had been boys of 12 or 14, who were selected more from favoritism than regard to their merit, and it would be many years, even if they turned out well, before they would be useful; but that they should lose no time in beginning to do the best they could, and look into the situation of the country, whose finances were in such a ruinous state; and that a bankruptcy and all its evils of paper money and depreciation, &c., must succeed, unless the affairs of the treasury were examined, and a system established that should make known and ameliorate the financial state of the country, an account of its expenses and income. That they could not always be governed by bayonets; that General Bolivar might die, or be called home; and the longer a liberal constitutional administration was deferred, the greater would be the danger and difficulty of introducing it.

In reply to what changes they wanted in the constitution, he said: principally in the senate, to change it from its present form (in which, however, it has never been organized) of a kind of council into a regular legislative body, so that there may be two houses for legislation. They wished, also, the courts to be formed according to the principles and regulations of the constitution; that the arbitrary power now exercised by the prefects, as delegates of the supreme authority, should begin to exist under a legal and constitutional Government.

The objection which had been made at this late hour, by the Government, against the deputies whose powers were *amplius*, he said, must be judged by history; that these powers were given according to a regulation attached to the constitution, subjecting it to a revision, whenever the country could be fully represented; that it having been formed by a body, all whose members were inhabitants of Lima and the coast to leeward, by far the greater part of the country, being then occupied by the enemy, was not represented; that now, on the first meeting of a Congress whose delegates came from all the provinces, their assent was, by a regulation of the constitution, expected to be given to this instrument, and to adopt such amendments as might be deemed expedient, or at least to propose them; that there was no previous combination for this purpose; but that, as among the deputies who had this *ample* power, were those from the cities of Bolivar, Lima, Arequipa, and Cuzco, places where the most intelligence was concentrated, it might be presumed that they were not given without reason and propriety.

There is some obscurity in these transactions. General Bolivar has, on numerous occasions, energetically disclaimed the exercise of this absolute power; but the efforts to induce the Congress to continue it in his hands, all come from his friends. Military habits have, perhaps, too much influence with him. He is quick, positive, and unyielding. When the committee from the Congress waited on him, after his threat of leaving the country, he told them that he should sustain the *Consejo*. Mr. Luna Pizarro called at La Magdalena to see him after the first difficulties arose; he sent him word that he was engaged, and that he need not call again, for he would not see him. He is too much affected by any opposition, to which he is unaccustomed, and which none of his officers dare make to him. General O'Higgins told me, after the first difficulty occurred, that he had told the Libertador he should not mind this opposition; that, for his part, he was glad to see it; that, if there was no opposition, there was no liberty, no public spirit.

The Libertador is a very ardent, impetuous character: he has achieved such great things; has had such a sole direction of affairs, that the jarring movements of civil government are regarded by him too much in the light of military insubordination, to be resisted in the same summary way. The officers about him are young men, and three of them Englishmen, devotedly attached to him, and unconditionally submissive. He has no characters of weight and dignity near him, who can sustain a contrary opinion; and there is a tone of excessive adulation and absolute deference in those of this country who approach him, that he has nothing of a republican complexion. Mr. Unanue, who is at the head of the *Consejo*, is enfeebled by age; he was a physician, and is a man of considerable literary acquirement, but never prepared for the extensive range of a statesman's duties; he lived to old age under a system whose habits of thinking and acting he had too strongly imbibed; and perhaps the best idea I can give you of him, (excusing its familiarity,) would be to suppose Dr. M. of N. Y. superannuated. Col. Alvarez, late minister from Buenos Ayres, told me that, at the time of his reception, when they were conversing on the United States, he said to him: "Oh! that system is impracticable—it will not last long."

This state of things gives occasion to the enemies of Bolivar to look wise and exult in the truth of their prophecies, and that he would discover his ambition and designs of usurpation, &c. A Frenchman of liberal

and intelligent character said to me : " He will lose himself just as Napoleon did ;" and this may, perhaps, serve to convey the best idea of the danger he is exposed to. I think the situation of things to be regretted, and that it would have been better to attempt, with his great influence, to conciliate the most able of the members of the Congress, and to have endeavored to concert measures to enable this feeble country to stand and go alone; and if General Bolivar wishes to get away, as I believe he does, that no time should be lost in trying to form representatives and officers of various descriptions for administering its concerns. He appears to be a man of too much talent to follow the career of false ambition which his enemies attribute to him, which would cause his ruin, and would degrade him inevitably from the lofty station in the list of pure and virtuous patriots which he hitherto has held, and which, in my opinion, it is his object to maintain and advance.

In my letter (No. 29) of February 28th, I mentioned the cause of Berindoaga (Count de San Donas) and Mr. Tunon. Their execution took place last week, in the great square; and after being shot, by an adoption of ancient barbarity, the sentence of the court comprised their bodies being suspended all day from a gallows: for which it is a poor excuse that the sentence against them was copied from a decree prepared by Berindoaga himself against treason, which adds another to the singular coincidences on record in matters of this nature. This affair produced a strong sensation. The documents relative to it, the intercession of the Cabildo, and the answer of the Libertador, will get into the papers before this letter reaches your hands. General Bolivar declined interfering, because he believed the example necessary. Mr. Tunon was an old man, and insignificant; but of the justice of the sentence, against Berindoaga especially, there can be no dispute. Whether it would not have been politic to have commuted the sentence into banishment, may be doubtful.

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The frigate United States arrived yesterday from Chili and the Intermedios. We have no further accounts relative to the Dolphin.

I trust you will excuse some of the details of this \* \* \* letter, which are given with the desire to inform you of the present state of affairs here at an interesting period. And I pray you, sir, to accept the assurances of my high consideration and respect.

~~W. TUDOR.~~

HON. HENRY CLAY,  
*Secretary of State.*

No. 32.

*Mr. Tudor to Mr. Clay.*

LIMA, May 6, 1826.

SIR: An accident having occurred to the vessel which has on board my two previous letters, gives me an opportunity to address you again, to acknowledge the honor of receiving your letter of July 11th, on the 3d inst. As that letter has been ten months on its way, it seems to add some weight to the suggestion which I have made in my other letters, of the expediency



of sending, once a month, a letter bag to Panama; and if this were forwarded by the Post Office Department, giving due notice of the time of its being despatched, and charging packet postage, it is to be presumed that all the expense would be defrayed. The collectors, probably considering this an extra service on their part, give the business less attention; at least, the letter which I have just received remained upwards of five months with the collector of New York.

I immediately addressed a letter to the Minister of Foreign Affairs, relative to the seamen impressed, which was the subject of your despatch, and received a prompt answer to say that instant inquiry would be made for them.

Since my last, by the aid of a very free use of threats and promises, upwards of fifty signatures have been obtained from the members of Congress, praying the Libertador to retain absolute power for another year, which he has agreed to do: and there will be no meeting of Congress the present year. I have received some very interesting details, from an authentic source, of the views and intentions of those in power, relative to holding that power, and the future organization of the country, (including *both Perus*,) which I will forward to you by some future safe opportunity.

The Macedonian arrived two days since from Panama, bringing Mr. Pando, who is to be Minister of Foreign Affairs, and Admiral Illingrot is to be Minister of War and Marine. Mr. Lanea continues Minister of the Treasury. The *Consejo de Gobierno* will, therefore, probably consist of these three ministers and Dr. Unanue, in the absence of General Bolivar, who, it is presumed, will shortly return to Upper Peru.

Captain Maling, (in the Cambridge,) the senior British officer on this station, has had some angry correspondence with the Government, respecting a charge made by them against Captain Sir Murray Maxwell, of taking away some money for General Rodil. He has kept the British ships of war from having much communication with the shore, and has been, for some weeks past, either at Huacho, under the island of San Lorenzo, or at Chorillos, and is now at the latter port. Some days since, he sent General Bolivar an invitation to dine on board his ship on St. George's day, which he refused to receive, and returned it to the officer unopened. This is only a temporary ill-humor between the English officers and the Government here, which is chiefly personal, and will not have any important consequences. The French corvette *Diligente* remains in Callao.

The United States and the *Peacock* are in the bay of Callao, and no account, to my knowledge, has been received of the *Dolphin*. Anxiety will begin to be reasonable, after the vague reports that have been in circulation, if she does not soon arrive.

I pray you to receive the assurances of my high respect and consideration.

W. TUDOR.

Hon. HENRY CLAY,  
*Secretary of State.*

No. 33.

*Mr. Tudor to Mr. Clay.*

LIMA, May 11, 1826.

SIR: I have, on one or two former occasions, slightly alluded to the subject of my consulate and its emoluments; and expressed a wish that

some revision might be made of the law. An extreme repugnance to occupy your attention with a question of personal interest has made me refrain from introducing the subject in my letters since, though many inconvenient and unpleasant circumstances have frequently afforded an inducement for it. Upwards of two years have elapsed since I reached this country; and the sacrifice of inclination, which most persons make who have resided in it during this disastrous period, has, in my case, been attended with others of various kinds, which I trust will be an excuse for writing you on matters chiefly personal.

I wish some plan could be devised for placing our consuls on a different footing. Certain I am that, if their situation were fully understood, the office would be seldom taken, except by persons among whom there might be some who would disgrace the commission. The duties of the office are, in many cases, extremely unpleasant, and connected with a most unreasonable class of men; and the fees of office (except in two or three cases) wholly insignificant in amount, and, by the very imperfect state of the law, a matter of doubt and dispute. If the Government should ask the opinion of the most respectable men who have served in this office, I think the answer would be universal that it is one of the least desirable which a gentleman can fill. The only fee allowed by law is two dollars for a seal; some others have been established in practice, varying according to circumstances, or at discretion, but which seem to me are all illegal. This occasions a great deal of ill-feeling; but though, in most places, the sum total would be a very slight compensation for the trouble that is given, these fees expose a consul to contention and insult which I could not endure. I have, therefore, long ceased taking any fees whatever; and the whole amount I received would not pay for my uniform. To devise a different system would be attended with some difficulty; but if the Government should think it worth inquiry, perhaps some useful hints might be received by addressing certain questions to those persons of most experience who have served in the office.

I have, however, a narrower purpose in view, and wish only to appeal to the equity of the Government respecting myself. I left home more than two years and a half since; came here at my own expense, and, in fact, have so remained. I reached Callao at a very critical moment, just after the Spanish forces had again got possession of the castles and the capital—an event which, though not unforeseen by me, as may be recollected by the President, was unexpected, and placed me in an embarrassing position as regarded both the contending parties. I submitted my reasons at the time for remaining here; and, though met at first with suspicion and inimical feelings, I succeeded in allaying these, and acquiring sufficient influence to render some important services to my fellow-citizens. Nothing could be more contrary to all my views and feelings, than this last useless and most disastrous apparition of Spanish despotism, causing the total desolation of this province, and bringing excessive calamity to the inhabitants. My situation was particularly delicate and trying, especially after the quarrels between Commodore Hull and the Spanish general. My agency was frequently called for by the former; and, among other circumstances to render it less desirable, was the necessity of going and returning to and from Callao, over roads by no means exempt from danger.

After the entrance of General Bolivar, and the arrival of the late Judge Prevost, I supposed that my future duties would be confined to the routine of my office; but, after remaining in Lima a few weeks, Judge Prevost

went to the Intermedios, and soon after, unfortunately, died on the road to Cuzco. By this event I was left the only commissioned agent of the United States in this country; and it was, therefore, out of my power to resign an office which, after the circumstances I have described, it is hardly necessary to say I have only retained from a sense of public duty and obligation not to leave my country and countrymen without an authorized agent.

I have thus, sir, for more than two years, acted virtually as chargé d'affaires, first under the Spanish, and since under the Peruvian Governments, and struggling against some peculiar obstacles successfully. My residence has been in one of the most wretched and most expensive places which, with a wide experience, I have ever seen, and as destitute of satisfaction as of emolument. After the death of Mr. Rowcroft, the first English consul, his secretary was named pro-consul by the naval commander; and on fixing his compensation, after consulting with the chief English merchants, who, considering the dearness of the place, said it should not be less than \$8,000, that sum was recommended to the English Government as a compensation for the year, and that sum was allowed. It would not become me to speak of my relative standing with this Government, compared with that of the English consuls, aided by that inevitable influence which their ample salaries afford; but it may be excusable to say that I trust it is not inferior.

My correspondence with this Government has been necessarily considerable, though I have restricted it as much as possible; and with our agents at Rio, Buenos Ayres, and Mr. Hogan in Chili, occasional; and of course more continued with the officers of our ships of war; and, among the whole, *I am the only one without salary or commissions.* My correspondence with my own Government (except a few letters to the Secretaries of the Treasury and the Navy) is within your own knowledge: imperfect as it is, it would have been more extensive, had not the invariable silence of the department discouraged me. I see in the President's message, that the immense accumulation of business upon the State Department had become unwieldy; and I flatter myself that the silence in regard to me (having never received even an acknowledgment of any of my letters) is the effect of necessity, not neglect. But, sir, you will readily imagine that, in addition to the discouragements I have named, the uncertainty whether my efforts were not a matter of total indifference to the Government was not the slightest.

I have written more than I intended on this occasion. I will only add, that I wish you would submit my case to the President, to decide whether I should not receive some compensation for these two years' gratuitous service—a question which my pecuniary circumstances do not allow me to regard with indifference.

I avail myself of the occasion to pray you to receive the assurances of my high respect and consideration.

W. TUDOR.

Hon. HENRY CLAY, *Secretary of State.*

No. 34.

*Mr. Tudor to Mr. Clay.*

LIMA, May 17, 1826.

SIR: I have now the honor to write you on subjects of the deepest interest, and regret that the intelligence must give pain, if not surprise.

Through the great confidence that has been reposed in me, I have obtained from authentic sources a very full exposition of the views that are at present entertained here, and the principal points of which will be found in the "observations" annexed, written with great force and elegance, but whose style necessarily suffers in the hasty translation I have been obliged to make. I have added a few notes only, to give the passages from the constitution, and the gazette referred to. I add the gazette containing the documents relative to the dissolution of the Congress, which, of course, have gone out to the world, and need no comment from me. The "observations" bear intrinsic marks of their authenticity, and the intimate acquaintance of the writer with all the circumstances he relates; and will show the fatal intoxication that must produce incalculable mischief to all South America.

It is in the highest degree painful to change a favorable opinion we have formed of any individual; and how much more so when that individual is so eminent, and his own great reputation is at stake, and the hopes and credit of these new republics are involved with it. The deep hypocrisy of General Bolivar has hitherto deceived the world, though many of his former friends have, for more than a year past, discovered his views, and abandoned him. With the violent dissolution of the Congress, the mask must fall entirely, and the world will see with indignation, or with malicious delight, that he who was occupying the attention of politicians in all countries, and for whom fate, by a fortunate combination of circumstances, had prepared the means for leaving one of the noblest reputations that history could record, may be handed down as one of the most grovelling of military usurpers, loaded with the execration of his contemporaries for the calamities his conduct must bring upon them.

In no instance has his hypocrisy been more profound, or more interested, than in the case of La Mar, though it did not deceive him. I have seen letters from him to a late period, professing the utmost admiration and friendship for La Mar, and holding him up, as he constantly did in public, as the only man to take the presidency of the republic; while he has taken every means to sever his connexion with Peru, and force him either to become the mean abettor of his designs, or to leave the country; and so successful has he been in this policy, that, in the opinion of many, La Mar, to use Bolivar's expression, is "politically a coward," and, with a kind of hypochondriac effeminacy, shrunk from all direction of affairs.

The gallant, generous, high-minded La Mar, had a leading influence in all the progress of the last successful campaign, and a much more decided part in the victory of Ayacucho than was allowed him in the despatches. He was adored by the Peruvian army; is, beyond comparison, the most popular man with all parties and all classes; and may emphatically be called the hope of Peru. It was early found that his views were too liberal, too honest, and too republican, to become an agent in any usurpation; and therefore, he was timely distrusted. Still, it would not do to break with him openly. Disdaining to be made a puppet, and moved by wires with fellow-puppets in the Council of Government, where he could do nothing to alleviate the situation of the country, he absented himself until a short time before the meeting of Congress. He then came here, invited with the same flattering language and hollow deception that had been practised upon others; not so credulous as to be deceived by it, but willing at least to be ready to enter into the Government, if there was any sincerity in the pro-

fessions that were made. He soon saw there was none ; and, after the arrival of Bolivar, their first interviews produced the conviction that the one could not make a dupe and sycophant, and that the other was resolved to prosecute the purposes of his sinister ambition. La Mar, therefore, determined to decline, while he was obliged to see the same hypocrisy displayed, of holding him up to the public as the only man to be their chief ; which had the double purpose of seeming magnanimous, and lessening the esteem in which La Mar was held. Still, the latter had determined to remain till the meeting of Congress, to which his presence would have been a strong support. But this was a danger to be prevented at all hazards ; a leave of absence for some months was, therefore, forced upon him, to drive him away. It is a singular fatality, under present circumstances, that La Mar, who has always been intimately connected with the affairs of Peru, (he was, under the ancient Government, inspector-general of the army, which is the next post to that of Viceroy,) where he is personally known, and universally beloved, should have his home in Guayaquil, which province was forcibly aggregated to Colombia, and in that country he has never exercised any employ, and is only known from the part he has taken in the war in this country ; thus being virtually a Peruvian in exile, and a stranger in Colombia.

One of the odious transactions connected with recent events, which must be generally known hereafter, was the execution of Berindoaga and Teuon. I confess I was always surprised that so favorable an opportunity for the exercise of clemency was lost ; and I remarked, rather jestingly, at the time, always thinking that the execution would not take place, that if it did, the purpose must be to intimidate the Congress. The fact is, that it had been determined long since to commute the punishment. Bolivar, in conversation with Unanue and another person, said "they will be condemned to death, but the Congress must pardon them or change the sentence into a couple of years' confinement in the castles." Unanue replied, "O no ! they must be pardoned by your excellency. You have full powers for the purpose." Bolivar rejoined, "No ! it must be given by the Congress, as the effect will be more striking." This was made known, by one present at the conversation, to those wretched, victims, who believed to the very moment that they were finally led out to execution, that they should be pardoned. But the quarrel with the Congress had intervened, and these unfortunate men were the victims of it. A young aid-de-camp had even the imprudence to say that it was for this purpose, and that a particular person (naming him) must take care of himself, or he would share the same fate. One circumstance will give this transaction a darker hue hereafter, as it will be attributed to personal vengeance. It is well known that Berindoaga entered warmly into the patriot cause, and that his defection from it was owing to a terror and abhorrence of the Colombians, that had been generally inspired in Peru, on account of the sanguinary war waged in Colombia ; and that, when it came to the question whether they should receive La Serna or Bolivar, he and others said they preferred the Spaniards to "the mulattoes of Colombia," applying this term to Bolivar himself, though improperly ; but many of the Colombian officers, such as Sucre, Paez, Carrajal, &c., have a tinge of African blood, and some of the subalterns are entirely of that origin.

This unfortunate state of things has partly been brought on by the base and excessive adulation that he has admitted, until it has become necessary to him. There is no individual among those about him, who dares tell an

unpleasant truth, and, at the slightest opposition, he gives way to an unrestrained violence. At the present moment, when they are in such distress for money, the only public work that is going on is an equestrian statue of himself, the execution of which now is a project of Lanea's to pay his court. This cannot cost less than seventy or eighty thousand dollars, and, after all, from the deficiency of good artists, must be miserably executed. A great number of gold medals have been distributed with the arms of Peru on one side, and his bust on the other; and these medals are given to both men and women, with a diploma of being *bene merito de la patria*; and no one, of either sex, approaches him, who possesses one, without having it dangling from the neck; and those who neglect this, are at once proscribed from all further audience. On his arrival at any of the towns, expensive *fêtes* are to be got up for him, which bear excessively hard on an impoverished country; but his generals who are in command will take care to vex those who are reluctant. Arequipa has, within a short period, been obliged to furnish three of these *fêtes* that have cost sixty thousand dollars. With these demonstrations, he deceives himself, or is deceived by the crawling, despicable flattery of those about him, that they are the spontaneous effects of attachment. •

In the mean time, abuses, doubtless unknown to him, are practised by his dependants, of which I have recently heard some instances, in which the insolence on the one part, and the baseness of the magistrates who were appealed to, could only be paralleled in Turkey. There is the most jealous watchfulness of the press, so that not a word can be printed freely, and the popular feeling finds a vent in the most miserable pasquinades, which appear on the walls in this city every morning: thus, one was found, lately, predicting his fate would be like that of Berindoaga; and a person told me he had seen a printed one from Arequipa, menacing him, if he should ever come to that place again, with the fate of Monteagudo.

The state of the finances threatens speedy ruin; and if the talents of the minister are to be estimated by some of the projects resorted to, they are truly of the most despicable kind. To inspire still greater distrust, stories are circulated of accounts settled by some of the chief persons in power, that, if true, would be sufficient to account for their dread of a Congress that would make any investigation. Many of these things are, doubtless, kept from his knowledge; but some may be permitted, to reward submission. Timid and broken down as these people are, still public opinion cannot be stifled so long as people breathe; and though they utter their whispers and mutters as if the walls of their houses might hear them, they communicate the general feeling; and it is easy to see that the popularity which Bolivar had acquired in the capital was sensibly shaken by the execution of Berindoaga, and has been annihilated by the destruction of the Congress.

The project of an expedition to Chili, which you will find alluded to in the accompanying observations, is undoubtedly meditated. Gen. O'Higgins was some time since called from his plantation at Cañete, to be consulted, though I suspect he is but partially informed of the designs. He is an honest man, whose administration would have been useful in Chili, if his family and some of his ministers, by their venal manoeuvres to fill their pockets, had not disgusted the public, and thrown affairs into confusion. Some recent attempts of his friends to procure his return ended in their being banished; and they are now here. I have been informed by an intelligent American, well acquainted with Chili, and who has recently ar-

rived here, that O'Higgins has now hardly any friends left in that country ; and though there was a time when his administration might have been very useful, yet, now, any attempt to restore him must be unsuccessful, and attended with bad consequences.

The plan, with regard to Upper Peru, is also full of hazard. The deputy, who is now here, referred to in the "observations," has, as I am told, said that the principal persons of the country are in favor of Bolivar's plans, but that the lower classes are almost universally desirous of joining with Buenos Ayres ; and this last country, which is not deficient in activity, will, doubtless, use her efforts to preserve this disposition. Those extensive provinces will, therefore, be subjected with difficulty, if at all, to the power of a usurper.

While such obstacles are to be anticipated on this side, how much greater will arise from that of Colombia ? The press is there free, and public opinion considerably enlightened. The people have been clamorous for his return ; and the only excuse that could be offered for delay, was, that the Spaniards held Callao, Chiloe, &c. Now, that this reason no longer exists, if he refuses to return, he quarrels openly with his own country, and will expose it to the evils of factions and convulsions. Denounced at home, what will be his support here ? Even the 4,000 Colombian bayonets that he calculates upon, will hardly all be willing to desert their country, and will be a slender force to hold both Perus in subjection. Besides, General Bolivar's great force consists in opinion : the world have received an exalted notion of him ; the respect that now gives him such a predominant influence, is founded on the belief that his views are pure and elevated ; this once destroyed, he will dwindle to nothing. If the ideas entertained (I speak thus conditionally, clinging to a hope that I fear does not exist) are just, he will place himself between Napoleon and Iturbide, whom he brought together in the weakest speech he ever made, but much nearer to the latter than to the former.

It is impossible to calculate the mischief that this conduct may produce. He will soon be openly denounced in Chili and Buenos Ayres, where he is both feared and hated ; and if his own country joins in the cry, it will produce the most dangerous confusion ; the influence of his name, at present of such vast moment to all South America, will be dissolved, and succeeded by derision. The Holy Alliance will make use of their entrance of the Brazils, to attack, perhaps, Buenos Ayres, Upper Peru, and Chili ; and Spain herself may be animated and assisted to direct her forces from the Havana, to invade Colombia, if not Mexico.

Some persons now think that he has made overtures to the Brazilian court ; but this is probably unfounded. The way, however, may be prepared, by his denial of all assistance to the republic of La Plata ; and if he engages in the meditated usurpation of this country, his only ally must be the Emperor of the Brazils. To excuse a little the insulting, though artful, refusal of assistance to the Buenos Ayreans, the language held was, (repeated by an aid-de-camp at table, where there was a number of Americans,) "Our situation is now changed ; we have been acknowledged by England, we have received a British minister in Colombia, we are now a nation, and must be cautious what steps we take, and cannot enter into a quarrel with the Brazils ;" which also involves another opinion, that *our* prompt acknowledgments, *our* minister, and *our* treaty, were estimated very lightly ; a profusion of phrases to the contrary notwithstanding.

The plan of establishing a monarchy here, I believe more visionary than that of a republic. Doubtless, there is a great deficiency of administrative talent, because the Spaniards filled all offices almost exclusively with their own subjects, who are all dead or absent. But the people are naturally intelligent; and though there is a sad want both of morality and education in Peru, both may be produced. It has been remarked, by all who have had occasion to observe them, that the improvement of these countries, under a few years of self government, though impeded by factions, is great and visible; and they have acquired notions of liberty that will not be easily eradicated. Had there been honest views with regard to Peru, by having La Mar for a President, and the men of talents that the Congress contained, properly directed, Peru might have gone on successfully, till new men, capable of entering into the various branches of administration, were formed and developed. But it is the fashion of tyrants and their panders to calumniate a people, as an excuse for enslaving them; as the boa covers an animal with his slime, that he may be able to swallow it.

I was conversing, within a day or two, with some Colombians, who have been the enthusiastic admirers of Bolivar. They spoke with the deepest feeling of regret at the course he is pursuing, and seemed to cherish a hope that he might recede in time from the dangers before him. There is now a kind of crisis in his affairs. He is said to be printing the constitution he has prepared for Bolivia, and is also meditating a proclamation to palliate to the world the recent proceedings in regard to the Congress. He is about despatching two of his aids-de-camp, one to Colombia, and the other to Chuquisaca; and the despatches they take must be decisive in their tenor. He has given out that he wishes for a few days' retirement, and is going to pass them at the plantation of Bille, four leagues from the capital, where he wishes to be uninterrupted by visits, and takes none of his suite with him. He has evidently passed the Rubicon, but is still within sight of its banks, and might secure his retreat. The desperate hope that he will do so, is hardly worth entertaining.

It is not without the most painful feelings that I have come to the conclusions explained in this letter. I have believed General Bolivar animated by the most pure and lofty ambition; and that, notwithstanding some defects of private character, and personal traits and habits wholly dissimilar, he had taken a model in view, of which we are so proud, and the world so admiring. Nor am I ashamed of my credulity: the fame within his reach was so glorious, that I could never believe any man would descend from that lofty eminence where posterity would have recognised him, to confound himself with the ignoble herd of ambitious, usurping, military chieftains.

I have pledged my honor that the most strict reserve should be maintained with respect to the enclosed observations, which, if known, might be fatal to their author, who, I hope, may be preserved for the service of his country. I have thought it my duty to communicate these things to my Government, that they may be prepared for the consequences which may result.

I have only to add, that I pray you, sir, to receive the assurances of my high respect and consideration.

W. TUDOR

Hon. HENRY CLAY,  
*Secretary of State.*



[With Mr. Tudor's letter of the 17th May, 1826.]

[FROM THE SPANISH MS.]

*Observations on the political conduct of the Liberator.*

The political conduct of General Bolivar with respect to the General Congress of Peru, which was convoked for the 10th of February last, ought to call the attention of every republican, and requires him to be watchful of his ulterior movements. He has been generally reputed a rival of Washington, and, in his public discourses, he has contrived to appear robed in the same dress with that immortal man, before without a model, and since without imitators. But his management on the occasion, when the first representative assembly of legitimate deputies, named by the people, was to be installed, excites a strong apprehension that it is not the love of pure glory, but the exercise of power, of which he is ambitious.

It is to be premised that he had protested, in private correspondence, that he would not come down to Lima at the installation of the Congress. From Chuquisaca he wrote thus, on the 20th of December: "My presence in the capital, not being necessary under present circumstances, when Peru enjoys a perfect peace, might produce jealousies, which I wish by all means to avoid. Besides, as I should have nothing to do in Lima, because the hope of Peru is in the hearts of her representatives, I have thought it proper not to be in that place during the session of Congress, that nobody may say that my presence embarrassed him, or that he was borne away by my influence." Seven days afterwards, an aid-de-camp was on his way to Lima to notify the Council of Government (composed of his ministers) that the installation of the Congress should be suspended until his arrival in the capital.

He arrived on the 10th of February, and his first care was to inform himself how the deputies were disposed. Among others, a certain representative was especially invited to an interview, whose opinion was supposed to have some weight, and who was suspected of being very republican. The conference turned on congressional subjects; the result being that Bolivar was resolved to reunite the republic of Bolivia with that of Peru, in which case the capital would be fixed in Arequipa, as a central spot; and the Congress of Lima should be carried thither to unite themselves with the deputies from Bolivia, and form the constitution of the great Peruvian-Bolivian republic, which, of course, was to be consolidated; because every thing that smells of federation is nefarious with Bolivar, in whose dictionary *federation* and *anarchy* are synonymous terms. "Do you make" (these were his words to the person with whom he held this conference) "your fellow-deputies enter into the plan of a consolidated union, and I will answer for the junction of Bolivia. And I say more to you: as soon as this is effected, and Sucre is named President, I will never move from Peru, and no Colombian shall leave it, as all of them are very contented here; and with 4,000 of them, no one will talk (*se resollara*) in the republic."

These and other expressions, and the tone of firmness with which he promised the union of Bolivia, ruled by Sucre at the head of 4,000 bayonets of Colombia; the knowledge of the fact that a constitution was formed for that republic, which he had made it request of him, in which a President for life was established, who was inviolable, with monarchical prerogatives,

and the faculty of naming a Vice President also for life, &c., &c.; and that the plan was to have it adopted by the Congress, which was to be formed by the delegates of both republics, as soon as the union was effected: all this began to rend the veil, and to make it known that he thought of following the career of Napoleon in the French republic. This opinion is strengthened by the fact, that the actual ministers, and almost all the persons near Bolivar, are declared monarchists, who sustain the opinion, openly, that Peru cannot be a republic on account of its habits; and that the want of information and the social virtues would drag it into anarchy, &c. The same doctrine is still more nakedly displayed by the generals and principal officers of the Colombian division stationed in Arequipa, and almost all the prefects of the departments; it being also noted that even the delegate from Bolivia (it is to be understood he was appointed by Bolivar) sent to Lima to demand the acknowledgment of the new republic by the Congress, thinks in the same manner, and seeks by secret means to propagate his sentiments, laboring against the ostensible object of his mission. In fine, it is not to be forgotten that Bolivar once said, "I should be the last in the line of *Emperors*, but the first in that of *Liberators*." And at another time, "I shall take good care not to assume the title of king or emperor; the substance only is important, the name is nothing."

Conformably to these plans, and it appearing that there were a sufficient number of delegates in the city to effect the opening of the Congress on the 22d of March, he called together his ministers, among whom two (Unanue and Lanea) were deputies, and said to them, "It is necessary to proceed to the installation of the Congress; Unanue (Minister of Government and Foreign Relations) will renounce his place as representative, to continue at the head of the Council of Government; and Lanea (Minister of Finance) will go to the Congress, in order to lead it. As soon as it is installed, it must recognise the republic of Bolivia; and, at the same time, it shall be invited to join with this, destining two members of Congress as a committee to go and carry the proposal to the assembly at Chuquisaca. While this reunion is effecting, the Congress in Lima may have a recess, or occupy itself in preparing reglamentary projects, and the power must remain in the same state of extraordinary or absolute." In consequence, the Council of Government proceeded (Gazette No. 25, vol. 9) to summon the deputies for preparatory meetings, declaring that the election of those whose names were inserted in the Gazette had been approved; and, besides, sent to each one a note, informing them of this, which was signed by the chief officer of the ministry of Government.

The republican delegates, who, without doubt, formed the majority, convinced (though not all equally so) that the plan tended towards monarchy; that the continuance of the dictatorial power (the American continent being freed from enemies) was an absurdity; that the people were in despair at the pressure of this power transmitted to the subaltern governors, without example in the history of the dictatorship; that it was necessary to avail themselves of the presence of the Liberator in Peru, to establish a constitutional regimen, even if it should be nothing more than by way of experiment; that it would be indecorous to the glory of the Liberator himself to continue with absolute power, which nothing now could justify; that the only advantage which could result to the country from the existence of the Colombian army, so costly, that it occasioned a thousand sacrifices, not only to the treasury, already in a ruinous state, but to the population from which

thousands were drawn, that they might be enlisted in the Colombian ranks, and then transported to that republic; that the only advantage of these, and other evils, would be to commence our march in the path of the laws, under the shadow of this same army and its chief—resolved that, as soon as the Congress should be installed, (laying aside the plan referred to,) they should go on to propose and to sustain the nomination of a constitutional Executive, which should fall on Bolivar himself, either in person, or in commission, as might be most agreeable to him; and that, in the same way, a constitutional Vice President should be chosen—for which station the opinion of the public designated General La Mar. This proposal could not fail of being admitted, since the extraordinary power fell in the very act of installing the national representation. Such was the intention of the party of the opposition to the Government, led, as it must be, by a few individuals, and which was not to be made public prematurely.

The first preparatory meeting took place on the 29th of March. It was opened by Mr. Unanue saying that he did not come there as a delegate, (which station he had declined,) but as a member of the Council of Government; and that his object was to treat of the manner in which the delegates would take the oath previous to the opening of the session. He was answered by a member, (Cuadros of Arequipa,) that the assembly would decide how, when, and before whom, they should take the oath; upon which Mr. Unanue, in a heat, immediately left the meeting to go and tell the Liberator that there was a strong feeling against him, that had been eager to insult him; and that out of hatred to *his person* he had been answered in that manner, and that they would do the same to the Liberator himself. In the mean time the assembly named a president and secretaries who belonged to the opposition; ordered the doors of the hall to be opened, which had been kept closed, notwithstanding there was a great concourse who were desiring admittance, and which measure was taken against the opinion of the ministerial party, (such we call those in favor of giving absolute power to Bolivar;) and, lastly, they named a committee to examine the returns, appointing the 4th of April for the second meeting.

The occurrences of the first meeting, by which the ministerial party considered themselves lost, joined to the complaints of Unanue, offended the Liberator, as though he had received the greatest injury; and the day following he appeared to intend to abandon Peru, retiring to Colombia; for which purpose he sent a note to the Council of Government, that they should settle the accounts with the Colombian army, and prepare for its transportation. Intriguing now began with effrontery: the ministers exerted themselves with the corporations and authorities in their respective departments, that they should send deputations, with written petitions, supplicating him to remain; and they did not omit writing to the prefects of the departments, that similar entreaties should come from thence. All the world knew that the said departure was a mere political manœuvre, but all were obliged to appear credulous. The members of the ministerial party thought this the moment for them to triumph, and sent a letter to the president of the preparatory meetings, in which they solicited a secret session might be held, *because the country was in danger*. This session took place on the 2d of April, when the Liberator had already answered the corporation of the city that he would remain in Peru. Notwithstanding, it was announced by the authors of the letter that the departure of Bolivar was inevitable, if the meeting did not send a deputation supplicating him not to

go; they exaggerated the evils that would result, if this was not done; and they introduced the most irritating propositions, which represented Bolivar himself as a miserable aspirer to the dictatorship. There was a formal effort made to induce the meeting to declare that it would not assemble as a Congress, if the Liberator did not give his word to remain in Peru, exercising the same absolute power as he had done; and, a little more or less, this proposition was sanctioned in substance without a formal vote, the silence of the opposition being taken for consent; they taking the course not to speak at that time, from a repugnance to the attributes of the meeting, (*junta*), which, from its very nature, should have restricted itself to matters merely preparatory for the Congress, and because it would have been adding fuel to the flame to have entered into a discussion on this occasion.

The subsequent preparatory session of the 4th began by a despatch from the Council of Government, denying the representatives the right of examining the powers, and assuming it to itself. An animated debate took place, in which the opposition showed that it was very contrary to the basis of a popular representative Government, that the Executive, whatever might be the extent of its powers, should interfere with the approving or disapproving these powers, (qualifications or returns,) since that would be fixing the right of election in itself, which essentially belongs to the nation; it would be placing the fate of the Congress in the hands of the Executive, giving to it the faculty of approving or rejecting the members' returns, according as these might be conformable, or otherwise, to its views, &c. With the constitution in hand, (articles 35 and 39,\*) by the reglamentary law itself, it was shown that the Government, in the deficiency of a conservative Senate, had no other right than that of confirming the identity of the persons elected; but the examination of qualifications was a privilege of the representatives, empowered *adhuc* by the nation even before the installation of the Congress. The deputy (and minister) Lanea, with another deputy, a dependant (*comensal*) of his, made use, on their part, of the great argument of force; they intimidated the delegates, protesting that the Government would enforce its decrees with the bayonet; and in the end obtained a majority, which relinquished this prerogative, though in an indirect manner, as the vote was confined to this—that the committee should not continue examining the qualifications.

The field being thus gained by the ministerialists, the Council of Government, which, on the 29th of March, had ascertained the returns of those members to be valid, whom it had convoked in a preparatory meeting to take the oath, (which, in fact, they might have taken, if they had chosen so to do,) resumed the examination of them a second time, with the well known purpose of preventing the installation of the Congress, which no longer suited them; the opposition being discovered, and the repugnance of the deputies become public, (those of Arequipa especially,) to the continuance of absolute power. The pretext was to be found in the powers which some

\* The following are the articles from the constitution referred to: "Article 35. The electoral colleges of parishes shall transmit the returns of their elections, closed up and sealed, to the municipality of the capital of the provinces, in order that the identity of the persons being proven, the subsequent proceedings may take place." "Art. 39. The electoral colleges of the provinces shall transmit the returns of their electoral doings, closed up and sealed, to the conservative Senate, for the purpose indicated in article 35." From the chapter "Formation and Promulgation of the Laws": "Art. 63. The projects of laws, when sufficiently discussed, shall be sent to the Executive, which shall return them with such comments as may be thought proper to the conservative Senate, within three days." "Art. 64. The Senate shall deliberate upon them, by way of consultation, and shall return them to the Congress within three days which, after a renewed examination, shall enact or negative them as laws."

had received—*ample to ratify or reform the constitution*, according to its 191st and 1921\* articles, and the 24th† article of the Bases of the Constitution; and others came restricted according to the reglamentary law, made undoubtedly for an ordinary Congress, and not for a general one, composed of the first legitimate representatives of the whole republic; that which was called *constituent*, not having been such, as it contained hardly a third of real representatives, (*proprietarys*), and more than two-thirds substitutes, (*suplentes*.) And here it should be remarked, that the ample powers were those of the deputies of the cities of Lima, Cuzco, Arequipa, and other places of greater intelligence and knowledge than those which had given the limited ones; that the idea that a general Congress included the character of a constituent one was so well established in the Government, that the Liberator himself qualified it as such in the *exordium* of a decree;‡ (Gazette No. 20, volume 9;) and, finally, that there were members in the new Congress who had been substitutes in the preceding one; which Congress, they well knew, never thought of obliging the districts to receive the constitution, which had not concurred in it through their proper representatives, and that it was only sanctioned by them as *provisional*. While the monarchists had hopes that the Executive would gain strength from the new Congress, they judged, like all others, that it must be constituent. As soon as the representatives were assembled in Lima, it was discovered that they had no hope of opening the way at present, nor in future, to change the form of government; and that, with some modifications, that would be no injury to it, it was to be carried into operation in all its parts; and as they saw that the door would be closed against future projects of erecting a monarchy, or any thing resembling it, they changed their language, and the Congress now could not be constituent. The powers were, therefore, declared null, and the electoral colleges were ordered to renew and change them. This operation, at most, would have required two months; and, in the interim, upwards of twenty deputies, who were wanting, would have had time to arrive, with whom the opening of the session would have been made more solemn. But, as a Congress was no longer desired, and as the steps already taken were entirely with a view to prevent it, until the opinion of the people could be better prepared for a monarchy, or for a presidency for life—and, also, to choose representatives disposed to sustain that system—it was agreed that a representation should be made, praying for a suspension of the Congress, on the pretext of consulting the people; and, with the aid of threats and promises of reward, it was signed by fifty-two deputies—there remaining only twenty-one firm in the resolution not to betray their constituents, and prepared to suffer every species of persecution, rather than

\* From the chapter *Observance of the Constitution*: "Article 191. This constitution remains subject to the ratification or reform of a General Congress, composed of delegates from all the provinces actually free, and from all those no longer occupied by the enemy after the conclusion of the war."

"Article 192. In order to the ratification or reform indicated in the preceding article, the powers of the deputies ought to contain a special clause authorizing them for this end."

† From the *Bases of the Constitution*, adopted and published as a preliminary to the constitution in 1822: "Article 24. The constitution which will now be formed, will be subject to the ratification or reform of a General Congress composed of delegates from all the provinces actually free, and of all those which may be unoccupied by the enemy."

‡ From the proclamation of General Bolivar, dated in Chuquisaca, December 29, 1825, first part of the preamble: "Considering that the general constituent Congress of Peru should be installed the 10th day of February, of the coming year 1826," &c.

ratify, with their signatures, the slavery of the people. The Gazette, No. 36, vol. 9, contains the representation, note of the Liberator, and decree of the Government in the matter. With this, the hopes of the Peruvians have been frustrated, who ardently desired to see their representatives assembled, arbitrary power destroyed, a constitutional Executive established, and the first measures taken for the regulation of the finances, which are without credit, and threaten a bankruptcy; especially in following the actual system of disbursing without accounts or reports, as there is no responsibility in the ministers. They also hoped that the Peruvian army would be reorganized, which is at present insignificant, having been studiously reduced to this situation; and that the auxiliaries of Colombia, now useless and prejudicial in the country, since the surrender of Callao, would be gradually returning home.

All this accumulation of hopes has fallen to the ground; they are daily raising more and more troops, either for an expedition to Chili, (a favorite project,) or, what is more certain, transferring these soldiers to the Colombian ranks, to embark them for Panama, as has taken place with more than 3,000 Peruvians. It hence appears that there is a plan to transport them, little by little, to Colombia; leaving this country deserted, while the Colombians are giving laws to it.

It is useless to say that all these measures are taken under the direction of Bolivar; that he daily expresses himself, with rancor, against the deputies of Arequipa; that he calls them anarchists, threatening them with a frightful persecution, which is not entered into at once for political considerations. He denies an audience to those deputies who refused to sign, when they call upon him for any particular business; and manifests a predilection for the monarchists, among whom he is distributing places, and who are sent on a mission to their provinces to prepare the way for future events.

Finally, that Bolivar's mode of thinking may be fully known, he has declared war against the Government of Buenos Ayres, in his journal, the "Independent Peruvian," out of hatred to their principles; and that, in speaking of his presidency of Colombia, he said: "The exaltation of opinions in Caracas, and almost all Colombia, has reached its height: the devil may govern them for me—I am well off in Peru."

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### No. 35.

*Mr. Tudor to Mr. Clay.*

LIMA, May 28, 1826.

SIR: I had the honor, in a previous letter, to suggest the expediency of establishing a regular communication, under the direction of the General Post Office, from some of our ports to those of the isthmus, and now enclose a short memorial from the American merchants in this city on that subject.

It would be quite superfluous for me to dwell on the great advantages that would result from this measure; they are so many, and so obvious, that it would justify the Government to pay something to packets for the

\* Since changed, and a new series began as "*The Peruvian*," the word *Independent* being unsuitable.

transportation of the mail in the beginning, to induce their establishment. The increase of correspondence, of passengers, and the light freight, which would soon be furnished them, would very soon secure the continuance of the intercourse, which will give our merchants a decisive advantage, and to the Government the means of prompt communication with the ports on the Pacific coast of America, which is every day becoming an object of more interest and necessity.

In No. 32 I acknowledged the receipt of a despatch, dated August 11th, signed by Mr. Brent, with documents respecting some American seamen. I immediately addressed a letter to this Government, and received a prompt reply that inquiries should be made for them. But I afterwards found that those seamen had been claimed and received by the United States ship *Peacock*, Lieutenant Kennon, several months before.

Nothing of importance has transpired since my last; but two or three circumstances have come to my knowledge, to confirm the information it contained, especially in reference to the views on Chili.

I pray you to receive the assurances of my high consideration and respect.

W. TUDOR.

Hon. HENRY CLAY,  
*Secretary of State.*

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[ With Mr. Tudor's letter of May 28, 1826. ]

We, the undersigned, American merchants established in Lima,

RESPECTFULLY REPRESENT :

That we have daily experience of the great disadvantages which the commerce of the United States suffers from the great delay of correspondence with Peru, and the American coast of the Pacific in general, owing to the principal route for correspondence being the immensely circuitous one round Cape Horn. That, although it would be quite practicable to give and receive advices from hence to the United States in forty days, by the way of Panama, letters are rarely less than four, and often more than five months, in reaching their destination. That, by the establishment of steam-packets from the United States to the isthmus, the evil would be at once remedied, in part; and as this would inevitably be soon followed by a similar enterprise on this side, the communication would thenceforward be regular, rapid, and complete.

That it is unnecessary for your memorialists to dwell on the manifest importance of early information in commercial affairs; but they may state that many losses would be avoided, and many advantages gained, by the trade of the United States, by forming this easy and direct route for correspondence: by which, in the course of a short period, even the communication with Europe, both as regards passengers and letters, would be through Panama and the ports of the United States; and the priority of advices that would be thus received by the merchants of our country would give them a decisive advantage, not only in the trade of articles of our own production, but in every one that enters into general commerce.

When, in addition to these objects thus briefly stated, is added the consideration that the Government will have the means of quick communication with all their agents and officers in the countries bordering on the Pacific, they cherish a strong hope that the Government will, without delay, cause a mail to be regularly forwarded to the isthmus of Panama.

We are, sir, with great respect, your obedient servants,

NIXON, McCALL, & CO.

ALSOP, WETMORE, & CO.

FRED'K HUTH, COIT, & CO.

To the Hon. HENRY CLAY,  
*Secretary of State.*

No. 36.

*Mr. Tudor to Mr. Clay.*

LIMA, June 11, 1826.

SIR: I have the honor to enclose two pamphlets: the one containing the new constitution and address of General Bolivar, and the other a pamphlet by Mr. Laso, a deputy to the late Congress of Peru. This latter is meant to influence opinion in regard to the plans of the former, and, I am assured from good authority, that it was published under the special revision and correction of General Bolivar, every sheet being sent to his residence at the Magdalena; a fact which makes many of its passages more remarkable. The assertion that the foreign agents interfered to prevent his pretended departure, is, I know, unfounded in regard to a part, and is so, I fully believe, as respects the whole of them. It will be unnecessary for me to make any comments on these pamphlets, especially as my letter (No. 34) will serve as a kind of explanatory preface to them. I regret not having been able to send this project of the constitution sooner, for it has been printed some time, but was kept strictly in reserve, that no knowledge of its provisions might transpire prematurely, so that they could be sent to the deputies at Chuquisaca to be on their guard. It was transmitted by an aid-de-camp, just in time to meet them at their assembling on the 25th of this month, and, as they assemble under the bayonets of General Sucre, there will be no useless discussion. As soon as it is adopted, the other measures for the re-union of the two republics, and subsequently for the provinces of Guayaquil and Quito, will go rapidly forward; it is intended that the dominion of General Bolivar shall be co-extensive with that of the ancient empire of the Incas, and, in Mr. Laso's pamphlet, it is boldly suggested to continue him, also, at the head of Colombia—a proposition whose reception in that country we have yet to learn.

Mr. Ortiz Cevallos has been appointed minister plenipotentiary to Upper Peru, to negotiate for the re-union of the two republics. Mr. Terciera is to go as minister to Colombia; and Mr. Rios, at present a clerk in the Department of Foreign Affairs, goes as chargé d'affaires to Rio de Janeiro. No agent is sent to Buenos Ayres, although they had a minister here for several months, but who went to Chili when he found that no minister would be sent to his country in return. This mission, exclusively to the Brazilian court, while none is sent to a sister republic with whom the former is at war, is sufficiently indicative of the policy intended to be pursued, and which has been mentioned in former letters. I also include the new con-



mercial tariff, in which there are four principal points to be observed : 1. That merchandise in general pays a duty of thirty per cent. *ad valorem* on the value here. 2. That certain articles are exempt from duty. 3. That the coasting trade is prohibited to foreign flags. 4. That certain enumerated articles pay a duty of eighty per cent. *ad valorem*. This falls very heavily on certain articles of our trade, especially soap, lard, furniture, and *tucuyas*. With regard to lard, we should have been prevented bringing it, without the provisions of this tariff, as soon as the estates devoted to the raising of swine, which are very extensive, are again rendered fully productive. The only article to which any objection can be made on our part, is that of *tucuyas*, or coarse plain cottons. All the unbleached goods of this description will be so considered, and, in fact, come in immediate rivalry with their own domestic manufacture. But, at present, all our white sheetings and shirtings are called by this name, while English and India goods of similar description pass as *madupollams*, and pay only thirty per cent. If this inequality is maintained when the tariff takes effect, it will be a subject for explanation, and to be so arranged that its operation shall be impartial. Probably, no difficulty will arise, and our manufacturers will stamp their goods with some name to distinguish them, and prevent their being classed with *tucuyas*.

The frigate United States, the English ship Cambridge, and the French corvette Diligente, are all the foreign vessels of war at present in Callao. Nothing is yet heard from the Dolphin. Our latest dates from home are newspapers to the 1st of February; of letters, I have none later than the beginning of December. I hope, hereafter, that the transmission of a mail from the United States, *via* Panama, will open the short and easy communication that may be established through that route, and which is of the greatest importance to the trade of our country.

I pray you, sir, to receive the assurances of my high respect and consideration.

W. TUDOR.

Hon. HENRY CLAY,  
*Secretary of State.*

No. 37.

*Mr. Tudor to Mr. Clay.*

LIMA, July 2, 1826.

SIR: I have the honor to enclose Report No. 5 of the American vessels entered in the ports of this city for the term ending with the 30th ultimo.

Three American citizens have recently died in this city: James Wilson, a seaman, who served on board the Franklin and Dolphin, died in the hospital; he was born in the vicinity of Philadelphia, and is said to have belonged to a respectable family. Mr. Wyllis Gannett, of a respectable family in Hartford, Connecticut, a youth of nineteen. Mr. Ira Jones, from the western part of New York, aged about twenty-six; he arrived extremely in Callao, and died the day after his arrival. He left a small amount of property, which will be secured for his friends, to be disposed of according to his dying directions.

I have, in former letters, given some account of the situation of this consulate. I beg leave now, sir, to resign my commission; and I solicit that a person may be appointed to take my place as early as possible.

The frigate *United States* is in Callao bay; the *Peacock* on her way to the islands, (*Society* and *Sandwich*;) the *Dolphin* not yet heard from. We are without dates from home later than the beginning of January, except now and then a straggling newspaper into February. The despatch signed by Mr. Brent, of July 11th, 1825, is the only one I have received from the department.

I pray you, sir, to receive the assurances of my high respect and consideration.

W. TUDOR.

Hon. HENRY CLAY,  
*Secretary of State.*

P. S.—*July 3.* I am happy to say that information has been received that the *Dolphin* was safe at the *Sandwich* islands, April 12th.

No. 38.

*Mr. Tudor to Mr. Clay.*

LIMA, *July 5, 1826.*

SIR: On Saturday last, Marshal Santa Cruz was installed as President of the Council of Government; and on Sunday a dinner was given at the palace to the ministers and some military officers, in honor of this event. I assisted at both, by invitation; and at the latter General Bolivar was present. After dinner, a number of toasts were given, all, of course, filled with the most extravagant adulation of him. But there were two that had much meaning. The first of these was from him, to say that the three republics of Colombia, Peru, and Bolivia, united under the wise administration of the three great men who governed them, (General Santander, Marshal Santa Cruz, and Marshal Sucre,) would be able to resist all the efforts of anarchy and despotism; that they must be prepared for changes in affairs, and to rally round these men; and a very pregnant allusion was made to the state of the neighboring countries. All this was without the slightest allusion to himself, or to his having any connexion with their affairs. This toast, or speech, was answered by one from Mr. Pando, which completed what was wanting. That it was very true that these Governments were in the hands of three great men; (Santa Cruz has only been brought here to keep him in a state of *surveillance*;) but that the head of the whole system was the Libertador; he alone gave security to these republics; he must remain at their head forever; and, after his death, his sword, hung up in their hall, would be like that of Damocles against all anarchists (republicans) and despots. It is said to be certain that General Bolivar goes on a visit in a few days, with his personal suite, to Colombia.

General O'Higgins goes shortly to Chiloe; he does not take any troops with him, only a few officers and a quantity of arms and accoutrements. He is said to be very confident of getting possession of the country and

Government; but if the accounts we hear from there are true, he will be disappointed in these expectations.

General Bolivar's model is now Napoleon, and his ambition is equally unbounded. His views extend not only to being at the head of Colombia and the two Perus, but to including Chili and Buenos Ayres in his domain. And I do believe that a just calculation regarding his plans cannot be made, if it does not suppose the design of an empire from Panama to Magellan, under the title of Libertador.

Marshal La Mar, I have heard, is going to the United States for the recovery of his health; and I suspect, also, to avoid being compromised against his will here. He is the most popular man in Peru, and the most deservedly so; a most gallant soldier and distinguished officer, a pure patriot, with a character (public and private) unsullied. He is extremely partial to our country and our institutions, and deserves, on every ground, the most cordial reception, both as a public and private individual.

I pray you to receive the assurances of my highest respect and consideration.

W. TUDOR.

Hon. HENRY CLAY,  
*Secretary of State.*

No. 39.

*Mr. Tudor to Mr. Clay.*

LIMA, July 26, 1826.

SIR: I have the honor to enclose a report of my vice-consul, Mr. Cobb, for the term ending the 30th ultimo, for the port of Arica. He tells me that our commerce at that place was greatly diminished, in common with all other—not so much from the duties, as from the excessive valuation of merchandise on which they are laid; that this circumstance has reduced the receipts to an amount barely sufficient to pay the salaries of the officers, which, though an exaggerated statement, is a proof of the vexation and uncertainty that attend their system of valuation, and which affects almost every article of our commerce, except flour.

In a former letter, when I supposed the provinces of Upper Peru were to form an independent State, and that Arica would be ceded to them, I recommended, in such an event, the appointment of Mr. Cobb, as consul for that port, and advised him to make application for the situation.

On this topic he writes me: "I am a thousand times obliged to you for the kind offer of your recommendation, and should be happy in enjoying the honor you propose, and the pleasure of serving my country; but I really am of opinion that these services should be paid for; not so much for the labor, as in consideration of the unavoidable expense to which it subjects one. I shall be happy to continue my services as long as the territory retains its present allegiance, and my services are approved; but should the change of its ownership render void the commission I now hold, I think, under present impressions, I should not wish it renewed."

He also writes me, respecting an outrage that was committed towards a boat's crew of the frigate United States, and sends me his correspondence

with the Intendente on the subject ; and adds, that the punishment inflicted by the latter on the *douaniers*, who were in fault, was not sufficient. As some of the circumstances need explanation from Commodore Hull, after communicating with him I will address the Government here, if the case should require it.

A violent outrage was committed recently in the port of Callao, by boarding the ship *Herald*, Captain Pearson, of Gloucester. This was done by an officer of the port, with a body of armed men, in the night, with the most unnecessary violence, in the expectation of finding smuggled money on board. A considerable sum was taken, the trunks robbed, &c. This money was brought here in the vessel, and was regularly manifested. I made a complaint in this case to the minister : an immediate investigation was made, restitution of all the property was ordered, and the officer who went on the expedition dismissed from his employ ; the minister expressing himself in such terms, respecting the transaction, as it merited. Thinking, however, that the officer who has thus suffered, who is young and inexperienced, was not so much to blame as some of his superiors, I considered the reparation made as a sufficient atonement, and requested he might have his commission restored.

Since my last, some disturbances have taken place in the interior, respecting which little is accurately known. A detachment of hussars (Peruvians) belonging to the regiment of Junin, mutinied at Heranuco, and set out from that place under the command of a lieutenant ; they were about 150 in number, and complained that they had not received their pay, and, also, against being sent to Colombia, for which purpose they considered themselves ordered to the coast. The news of this event produced a strong sensation here, and General Bolivar said that the army would now be ruined, and this spirit extend through the whole of it. General Cerdeña was sent off immediately to endeavor to bring the soldiers back to their duty ; and a few days afterwards, Marshal Santa Cruz, recently installed as President of the Council, set off at his own request, accompanied by only a small escort, to endeavor to remedy the evils, which every fresh report made of a more alarming character. A friend of mine asked one of the ministers whether this was a safe experiment—whether he thought Santa Cruz would be attached to Bolivar. He answered, that he praised him, and spoke of him in the highest terms. "But do you think this any proof?" was the question in return. He replied, that it was impossible to say ; that, at any rate, they must try him. The distrust of Santa Cruz is common even in the mouths of the populace of Lima. Santa Cruz, you may recollect, was the strongest friend and agent of Riva Agüerro, and some persons have supposed that his conduct in this expedition will depend on circumstances, and that he will take with or against the troops according to their strength.

The first news of this partial revolt was received a fortnight since ; by the last accounts, the revolters had taken the direction of Guamanga, to join the rest of the regiment. In that district is stationed, also, the regiment of Ayacucho, consisting of Peruvian infantry ; the colonel of which was some time ago ordered here to be town-major of Lima, and a Colombian placed in command of the regiment : this was a measure of distrust and precaution. Should this regiment of cavalry and infantry join in the revolt, and find any officer to head them, the affair will be a very serious one, especially as the Indians of Huanta, the most bold and turbulent of

all the interior population, had, on account of some heavy contributions laid upon them, murdered one or two Colombian officers, and fled to the neighboring mountains, where they have as allies the wild Indians, whose territory was never occupied by the Spaniards. Those who anticipate the worst, think that this force, joined with the Indians of Huanta, will be able to sustain a long contest, even if they should not be strong enough to act on the offensive. A few days since they stopped the Cuzco mail, out of which they took \$6,000, and all the letters addressed to the Government, leaving those to individuals untouched. The cry is said to be, *away with the Colombians*; and the discontent and hatred of them is very general throughout Peru, and the new republic of Bolivia; to which the only exceptions are those who hold places, and not the whole of these.

The force at the disposal of General Bolivar, to hold a country thus circumstanced, and prosecute his ulterior views, is not very large. Sucre has under his command rather less than 5,000 men, of whom about one-third are Peruvians, and all disaffected. The province of Salta is commanded by General Arenales, a Spaniard by birth, who was with St. Martin in the first invasion of Peru. He has always been warmly attached to the patriot cause, and bears an excellent character. Report has made him already leading an army against Sucre; but this is at least premature. Buenos Ayres has too much on hand with the Brazilian war to engage in another; but as they must now be fully impressed with the views entertained here, they will only dissemble until they can get rid of their present enemy; and as the people of the provinces of Bolivia are said to be generally in favor of a union with Buenos Ayres, if General Arenales should be ordered to act against the Colombians, Sucre, even with a superior force, may be placed in a dangerous situation.

Besides this force under Sucre, there are about 7,000 men under the more immediate direction of Bolivar, who has reserved the ministry of war in his own hands, and that department is at present separated from the Council of Government. More than one-third of this number are Peruvians, of whom a few, as already mentioned, are in open revolt. In Callao and the capital there may be about 2,500 men, of whom three-fourths are Colombians. Upwards of 7,000 Peruvian troops have been sent to Colombia since the conclusion of the war. The whole army may now be estimated at 12,000, of which one-third may be Peruvians, who are all discontented, and only want leaders to act against the Colombians. With a force then nominally of 7,000 or 8,000 Colombian troops, (many of the regiments containing Peruvian recruits,) Gen. Bolivar has to hold both Peru, with a discontented population, and at the same time carry on his scheme of empire, which avowedly embraces Colombia, and secretly involves the whole of South America—at least that which was formerly Spanish.

The finances, which are to provide the means for all these objects, are in the greatest confusion; and the talents for bringing into order the chaos of the treasury department, seem almost wholly wanting. The military now receive two-thirds of their pay, and the civil officers one-half; but both, especially the latter, are in arrears. As no accurate reports are given, it would be mere conjecture to state the actual receipts; it is thought, however, that the income from the customs, the present year, will be considerably below the last. Loans are out of the question, and the bills both of Peru and Colombia are coming back protested. The commercial distress and moneyed panic in Europe have had their reaction here, which has embarrassed all

the principal English houses, who have been making the greatest sacrifices of the goods consigned to them, to sustain the suspended credit of their houses at home, that are under advances to the manufacturers; which last will, in many cases, sustain a total loss of the property shipped. Every effort is making to transmit funds, and the market is therefore drained of specie; thus increasing the embarrassment here.

Notwithstanding this unfavorable combination of circumstances, if the country escapes internal convulsions, and no military expenditures are undertaken, an able financier might retrieve its credit, even supposing the debt to amount to \$40,000,000, at which it is estimated. The large amount of church property formerly sequestered, and the still greater amount which they may easily take into their hands, is, in itself, an immense resource. The rich estates on the coast, and the extensive *estancias* in the interior, that have been almost entirely devastated by the war, are again coming into cultivation, and renewing their stocks; and lastly, the mines, an inexhaustible resource, and one which, if the country continues tranquil, may, by the aid of foreign enterprise and capital, exceed all former production.

The recent election of Admiral Blanco to the presidency of Chili is a fortunate measure. His character is not suited to remain long in power in times like these, but it is thought, by persons intimately acquainted with the parties in Chili, the best choice that could be made at present: it satisfies the enemies of Friere; it does not alarm the *pelucones*, or adherents of the clergy; and it is adhered to by the friends of the unfortunate Carreras and Rodriguez, who, for the sake of these victims, are the inveterate enemies of O'Higgins, and who comprise most of the young men of the country. It has changed the plan here also. Gen. Bolivar, on hearing of it, said that O'Higgins could not now think of going, that all parties were united. In a conversation I had with the latter, yesterday, I understood from him that he had relinquished the expedition; and, I am told, that a proclamation from him to that effect will appear in the *Chilote*, a newspaper printed by his partisans here for circulation in Chili. It will now be attempted to effect by intrigue what was intended to be done by force, and which was rendered almost desperate by the strong feeling that was exerted in Chili, when they obtained information of the designs against them. It is unnecessary to repeat that O'Higgins is merely an instrument of Bolivar, to prepare the way for the introduction of the Bolivian constitution, and to make Chili a viceroyalty or prefecture of the Bolivian empire.

The great plan is gradually developing: the two Perus, (Colombia as one, but more probably divided into two) Chili, and Buenos Ayres, are to form this empire, and will probably be consolidated, though an idea of a kind of federation of these great divisions is held out. Doubtless the principal officers and adherents will also receive hereditary titles. Gen. Cerdena, after his promotion for his services in the intrigues for the dissolution of the late Congress, was named commander of the Peruvian guard, the first hint of the *grand guard* hereafter to be created. Napoleon is now the model in every thing, the subject of praise and admiration; and Dr. Unanue, in his *exposé*, prepared originally for the Congress, and recently published, has openly introduced the name, comparing Bolivar to Scipio, Caesar, and Napoleon. A year ago he appeared pleased with the comparison to Washington, and affected to resent that with Napoleon. In the mean time, he continues disclaiming all wish to command, says that he is most anxious to

retire from public life, to pass a few years in travelling in Europe. One of his ministers recently cited as a proof of his sincerity in this, that he had indignantly refused the offer of the crown lately made by Paez, and told the officer, who arrived here a few days since with this commission from Venezuela, that he would have nothing to do with them, and that they might turn robbers if they liked, &c.

It appears to be decidedly his intention, at present, to return to Colombia, from which he has received favorable information from Santander, and which the open measures of Paez may render more urgent. The forces available for this vast scheme of ambition seem wholly inadequate; it is to be feared that, besides losing the opportunity of leaving a noble reputation in history, it will only tend to entail a long series of troubles upon countries that require peace, the protection of industry, and encouragement of emigration, to develop their resources, and occupy a territory which is less peopled than that of any civilized region on the globe.

The United States is the only vessel of war we have here. The Peacock left Guayaquil the 25th ultimo, on her way to the Sandwich islands. Nothing further is known about the Dolphin since the report of her being at those islands in April. The English have a ship of the line, a frigate, and three corvettes here; the French, two small corvettes, one of which has just arrived to relieve the other that sails for France this week, taking three youths of Lima to be educated there at the expense of Government.

I have, in former letters, troubled you at some length on the subject of this consulate, and in my letter No. 36, forwarded in duplicate, I requested leave to resign my commission, and that some person might be appointed, without delay, to take my place. I beg leave, sir, to renew this request, for fear my other letters may have miscarried.

I pray you to receive the assurances of my high respect and consideration.

W. TUDOR.

Hon. HENRY CLAY,  
*Secretary of State.*

No. 40.

*Mr. Tudor to Mr. Clay.*

LIMA, August 1, 1826.

SIR: Since my last, intelligence has arrived from the interior that the partial revolt mentioned in it had been entirely suppressed; a few were killed, a part made prisoners, and the rest had dispersed. No details have yet been given to the public.

In the mean time, the last week has been one of great excitement. All the officers of the Peruvian corps stationed in the capital were arrested; General Bolivar shifted his residence from the Magdalena, and has since resided in the palace. The arrests of these officers were soon followed by more important ones. General Necochea, who is at the head of the mint, General Correa, a retired Buenos Ayrean officer, Messrs. Forcada and Telleria, judges of the supreme court, and Mariategui, attorney general, and several others, have been arrested. It is said that from sixty to eighty persons are in confinement in the convents of St. Domingo and St. Francisco; some others made their escape: Mr. Requena, a canon of this cathedral,

Carasco, a captain in the navy, and a scientific man, with his lieutenant (Salmon) and Vidal. Carasco was a member of the late Congress, and one of those who refused to sign the destruction of that body. Requena was probably sought for only to take his declaration as an acquaintance of Vidal, but, in the manner of these people, has hid himself through fear. In the last *Peruano*, a violent article attributing this movement to that "classic land of anarchy," Buenos Ayres, filled with passionate declamation, and calling for blood, bears intrinsic marks of General Bolivar's style. He was thrown into the most violent agitation by this event; and if the prudence of the ministers is not able to calm his feelings, it is feared executions will begin.

The whole of this plot is very imperfectly known; every one who knows Necochea, his general character, and the retired life he has led, is convinced that he could have had nothing to do with it; and it seems highly improbable that the other principal persons arrested should have had any share in a scheme of which the agents are so obscure. It is supposed that Vidal and Ninivilea, (the latter an Indian educated at the University of Lima,) the two most famous chiefs of the bands of Montaneros formed by St. Martin, had combined, with some subaltern officers, to attempt the overthrow of the Colombians. Their plan is said to have been to surprise the barracks in this city, with the aid of the Peruvian corps, make the Colombian officers prisoners, and, at the same time, take possession of the Magdalena, and, surprising General Bolivar there, embark him and his officers for Colombia. Vidal escaped, but Ninivilea was taken; and his declarations are said to have compromised Necochea and others, although the persons who are best informed on this subject believe that the conspirators had only mentioned his name and others as being discontented, and would join in such a conspiracy, of which no other proofs but suspicion against them can be found. This week the anniversary of the battle of Junin was to be celebrated; that battle was gained chiefly by the valor of Necochea, in which he was desperately wounded and mutilated for life. To see him in prison on its celebration, and La Mar, who gained the battle of Ayacucho, in banishment, occasions very obvious emotions in every generous breast.

One or two vessels are fitting out in all haste; the object variously stated: some say to take the Peruvian troops here to Guayaquil; and others, to go to the Intermedios and bring down a battalion of Colombians.

Events in other quarters are unfolding other parts of the main design. The last *Peruano* contains a memorial of the *cabildo* of Guayaquil, beseeching Bolivar to continue at the head of the Government, and change the constitution, which experience has shown to be insufficient, and which the movements of General Paez have overthrown. The two chief agents of this meeting were the Intendente Castillo and Admiral Illingrot. The former is represented as being an ignorant brutal tyrant, against whom all the inhabitants, supported by the English consul, have petitioned the Government; the latter declaring that, if he was not displaced, he would leave the city. Illingrot is an Englishman married to a Guayaquil lady, and is a very solid, brave, sensible man; much esteemed for his good conduct, and entirely devoted to General Bolivar. He was sent from here in June on this mission, to take these steps as soon as he should hear of the movements of Paez. These measures are calculated to distract the Congress of Colombia, which will see the republic in revolt at its two extremities. As to Guayaquil and Quito, as they were forcibly aggregated to Co-



lombia by General Bolivar, they will gladly re-unite with Peru, whatever may be their feelings with regard to the system of government.

It is unnecessary for me, sir, to comment on these transactions, many of which will be known to you from the other side of the continent before they are from here. Much depends, for the immediate success of General Bolivar's plan, on the news that may come from Colombia. If the liberal party are strong enough to maintain their opinion, he must confine himself at present to the ancient empire of the Incas. The designs against Chili and Buenos Ayres appear wholly thwarted; and those countries being now on their guard, cannot be subdued except by force, which will furnish future occupation when the usurpation here is fully organized and established.

That he is a very extraordinary man, there can be no doubt; but the degree of success he has obtained, and the base oriental flattery that he has received from his dependants here, have inflamed his ardent character almost to madness. Were I to repeat to you some authentic anecdotes, they would seem incredible. An idea may be formed from the single fact, that on his birthday, last week, when he completed his forty-third year, taking fire at a toast that was given at his own table, he declared himself a greater man than any which history had recorded; that not only the heroes of antiquity were inferior to him in "liberal ideas," but Washington and Napoleon he had left much in the rear. His deep deception and huge scheme of usurpation have hitherto advanced with prodigious success; his eminent talents and fortunate position might have been of the utmost importance to the advancement and prosperity of South America: his immeasurable pride and ambition will, I fear, involve them in great confusion and calamity.

Admiral Guise, who has been for a long period under arrest, (though not in confinement,) is about having his cause decided. Some of the charges against him are his violent acts against some of our vessels. He is a brave man, who has rendered considerable services to the patriot cause, and finds himself with ruined fortune and health. Some of the charges against him will doubtless be proved, but he probably will not be condemned.

We are yet without any recent intelligence from home, and are looking for some arrival with anxiety. Since December, we have no regular intelligence, and know but little of our national affairs, which are more interesting to us than any others. For nearly eight months we have only had a straggling newspaper or letter. To all the officers of our nation here, this want of communication is painful, and extremely injurious to our mercantile interests. I allude to this subject to reiterate, in the most earnest manner, the expediency of establishing a regular communication through the isthmus, on which I have so frequently written.

I pray you to receive the renewed assurances of my high consideration and respect.

W. TUDOR.

Hon. HENRY CLAY,  
*Secretary of State.*

P. S.—*August 2:* I understand that the declarations of Espinosa, (a Peruvian captain,) who revealed the conspiracy, strongly commit some of the persons arrested, and the avowals of Ninivilea confirm them; but it is said nothing appears against Necochea. Arrests are still making.

No. 41.

[EXTRACT.]

*Mr. Tudor to Mr. Clay.*

LIMA, August 24, 1826.

SIR: Since my last we have received some scattering gazettes from the United States for the months of April and May, in one of which I see that Mr. James Cooley, of Ohio, had been nominated chargé d'affaires to Peru. I hope his arrival may not be delayed; and I trust, while enjoying a regular commission and salary, he may find the discharge of his duties more satisfactory than I have done in the forced exercise of them upwards of two years, without either of those advantages. I hope that some of my previous letters will have reached you, in which I have described the situation of this consulate; and beg leave very earnestly to repeat my request that some person may be named as early as possible to succeed me.

In my last letter I said something of the conspiracy that had occasioned so many arrests. In addition to those named, Admiral Guise and some others have been put in confinement. In consequence of orders sent to the different prefects, every native of Chili and Buenos Ayres residing in the interior was taken up, and ordered to come to Lima at twenty-four hours' notice. Many of them have arrived, and are ordered to leave the country, being allowed one month to settle their affairs. Many of these individuals have rendered the most distinguished services to the State, and were citizens of Peru. These persons were scattered in different districts; were all working mines, or cultivating estates; and were, by their enterprise and industry, peaceably occupied in bettering their fortunes, and most useful citizens. No charge whatever is brought against them, further than they are not addicted to the Colombians, and, in case of interior disturbances, their talents and enterprise might be converted against the Government. Among these persons are General Otero, and his cousin, Don Miguel Otero, both of whom were working silver mines in Pasco and Tarma; Colonels Estourba and Rolet, who were cultivating estates at Ica; and many others of less note, who were either merchants or miners.

In the mean time, the persons arrested have been allowed to communicate with their friends. Nothing whatever has appeared against them. Every effort has been made to entrap them; they were watched and guarded in the strictest manner; they were falsely told that such and such things had been avowed, &c. In short, the worst processes of the Inquisition were practised, torture excepted. But not a word to criminate any of the principal persons was obtained. They are still, however, kept prisoners, and, it is supposed, will all be sent out of the country.

There is some obscurity attending this matter. A Captain Espinosa, of the Peruvian army, who has since been made a colonel for his services, went to General Bolivar, and informed him that a conspiracy existed to assassinate him, and overthrow the Government; and that the leading individuals who have been arrested were concerned in it. There can be no doubt that the Government believed in this conspiracy at first; because the change of residence by General Bolivar, the evident alarm he felt for some days, and the extraordinary precautions taken for his personal security, are sufficient proofs of it. But the examinations showed that the persons of reputation arrested had no agency in the business; but their names were probably mentioned over, as persons dissatisfied with the usurpation

of Bolivar, and who might be calculated to take a part in any general effort to get rid of the Colombians. All such persons, therefore, were selected, and will doubtless be banished.

Some others are exiled, against whom it was impossible to find the slightest pretext for taking them up. Mr. Luna Pizarro, one of the most enlightened and virtuous men in this country, and enthusiastically republican, received abruptly the appointment of minister to Mexico, with directions to set out immediately. He did me the honor to consult me on the course he should take. After reflection, I advised him to accept, if he was not obliged to set out till the season was proper. In a conversation with the minister, he then consented to go, on condition of waiting till the coast of Mexico might be approached with safety; but he was told that General Bolivar was resolved not to let him remain in Lima, and that he might go to any port to the northward to wait till the healthy season came round. He then wrote a letter, to say that he had not sought the appointment; but he was willing to accept it, if his country required his services: but wished for two months to arrange his affairs, and wait for the coast of Mexico to become healthy. He received an answer immediately, enclosing him a passport to leave Peru for any port he pleased, and directing him to embark in fifteen days. General Alvarado, against whom nothing could be found, also received a passport and order to embark immediately; and his brother, who is at the head of the Post Office Department, it is supposed, will receive a similar order.

Luna Pizarro is a native of Peru, but most of the others are natives of Buenos Ayres and Chili; and the mere fact of being born in one of those countries was a sufficient motive to exercise this violent injustice against them. This conduct, joined to the intrigues that are openly going on to bring those countries under the same yoke, will almost inevitably require a war of self-defence on their part.

About a fortnight since, the departure of General Bolivar for Colombia was announced as inevitable, and various preparations were made, as if it were certain. The several corporations of the city were then directed to come forward and petition him to remain. Among the addresses on this occasion, that of the dean and chapter of the cathedral is the most to the point. They speak of his "empire," and of being his most "devoted subjects." One of the manoeuvres on this occasion, and which gave him most pleasure, is highly characteristic of Lima. The ladies, according to private notifications sent round, were invited to meet at the palace at seven in the evening of a day in the last week, to entreat the Libertador not to abandon Peru. Three young girls delivered him a short address on this occasion—one of them a daughter of Dr. Unanue. To these he answered that he regretted that he could not remain; that he was sensibly affected by their kindness, but that his duty called him to Colombia. On this answer, two or three ladies, whose husbands are in place, exclaimed, "He has said nothing; he has not promised; he must not go;" and a general cry was raised, "he must not go;" those nearest to him then caught him in their arms, insisted that he should promise to stay, and, with the exception of a very few, (about seventy ladies being present,) the whole went forward to embrace him. He said it was impossible to resist so much beauty and attraction, and that he would stay. This, like all similar scenes, was prepared as regularly as any on a theatre. Every mode of adulation has been so exhausted here, that it is difficult to practise any that does not appear to

him insipid. This, however, was sufficiently high-seasoned to be relished, and it put him in the most extraordinary spirits. He went round in the most courteous manner, and addressed all the ladies, contrary to his usual practice; but to one he said these words were all in jest—leaving her to suppose he still meant to go.

Another scene, of more seeming moment, but quite as easily managed, has been produced on this occasion. The electoral college of Lima was convoked last week, accepted his plan of a constitution, and elected him president for life, which was a condition of acceptance. In the preamble to this act, as published in the *Peruano*, it is stated, as a decisive reason in favor of this constitution, the vast progress made under it by Bolivia, (where it was adopted about three months ago.) The electoral college of Lima consists of above three hundred members, of whom seventy were present on this occasion, many of them Indians of the neighboring villages. Two days beforehand, the persons assembled were verbally notified to meet to approve the constitution. At the meeting, several officers were present, who managed the business. One individual rose to say that he thought the article disfranchising a citizen who did not know how to write, was, at present, harsh and premature. It was immediately intimated to him, if he said more he would get into difficulty. Another said he thought it improper to sanction a constitution without any deliberation, &c. He was also silenced by menaces from the officers present. The constitution was actually read over by one of the secretaries; and while this was doing, a strip of paper, containing these words, *Bolivar Presidente vitalicio y autocrat*, was distributed; which words were to be shouted as soon as the reading was over. Many of those present could not know the meaning of this last word. The constitution was adopted by acclamation. The business was completed by 2 o'clock, P. M., but the electors were detained, none being allowed to go out till 7 o'clock, to give the appearance of deliberation. In consequence of these proceedings, rejoicings were ordered for three days. Bolivar said to O'Higgins, after the result was known, "Now I am emperor." These scenes recall to me those I witnessed in Paris, when Napoleon overturned the directory, and made himself First Consul for life, Emperor, &c. &c. He is the model, and Bolivar imitates him as nearly as circumstances permit.

I called at the palace, two or three days since, to visit Mr. Pando and the Libertador. The former said to me that, by the act of the electoral college, and adopting the constitution of Bolivia, and electing him President for life, they had taken the best step for the country; that elections of President here were impracticable, &c. I told him that the general objection to that constitution, in my opinion, was, that it resembled a play written for a single actor of peculiar talents; I knew not how they could replace General Bolivar; that the idea of an empire from Panama to Cape Horn was splendid, but it seemed to me too vast a scheme, and would perpetuate war and interior struggles. He replied, that it was no longer a question of Chili and Buenos Ayres; that the union of Colombia and the two Perus was all that could be effected, and that this would employ him twenty years to accomplish. I then called on Bolivar, expressed my regrets that a slight indisposition had prevented my being present when he received the ladies the other evening, and offered him my compliments on having secured their affections, to avoid any insincerity in congratulating him on the doings of the college. He was in fine spirits and humor, and

after a few minutes' conversation, it being announced that the Cabildo had come to make him a congratulatory address, I arose to go; as he accompanied me out to give them a reception, he said, "I shall go to Colombia." And I presume his intention, after having secured this matter here, which will give the lead to the other colleges, and having seen the arrested persons sent out of the country, is, that he will go towards Colombia, where the state of affairs urgently requires his presence.

A predilection for republican Governments, and a sympathy towards all those in favor of them, are, I suppose, natural to all Americans. It is, however, necessary to admit that Peru is singularly destitute of the requisite character for sustaining an elective republic. The Spaniards and their adherents held all the offices in the country; and these being all dead or banished, few men capable of any branch of administration remain. Most of the leading men are monarchists, and persons who had so long lived under the double oppression of Spanish colonial Government and the Inquisition, could hardly be expected to have any republican ideas or habits. The most that could have been done in the outset, would have been to have administered a republican system in a monarchial spirit, preparing the people gradually for the unbiassed exercise of the elective franchise and other civil duties. Had General Bolivar been governed by that virtuous ambition, which the world, in conformity to his protestations of disinterestedness, had given him credit for, such a system might have been safely commenced in Peru. There were several individuals of fine talents and pure character, and popular in the country, who would have been adequate to its administration. Marshal La Mar, the canon Luna Pizarro, Count de Vista Florida, Generals Nechochea, Alvarado, and others, were of this class. These individuals are all of irreproachable character, and their probity is proved by their poverty: it is, indeed, a grateful reflection, that the purest and most enlightened men in Peru are all republicans.

There can be but little doubt that the ardent character of Bolivar, which produced such heroic constancy in the extraordinary vicissitudes of his early career, made him early conceive the vast scheme of ambition which is now developing. His superiority of talent and energy of will reduced all his confederates to subalterns, ready to follow and obey all his directions. Several of them long since wished him to assume the title of monarch, (for which General Paez has always been most strenuous,) which he frowned upon with simulated anger, because it was premature. His solemn, reiterated, and vehement protestations of disinterestedness deceived the world, while he was taking every measure to secure that result which is now manifest. From the first moment of his coming to Peru, his object was to humiliate the Peruvian army; and as soon as the war was terminated at Ayacucho, send it out of the country, or distribute it in such small detachments, that its chiefs had no support, and the troops no head. His affected horror of the dictatorship; his contemptuous refusal of the million offered him; his declaration that he would not take a grain of sand from Peru—all contributed to deceive the world, while he was preparing to make himself master of the country, and form South America into one empire.

There is a glare about such lofty projects that dazzles the world; and the admiration that is excited, as in the case of Napoleon, prevents a calm and just estimation of such unprincipled usurpation. The egotism of Bolivar, like that of his model, inflamed by success, makes him consider mankind as mere checkers to be moved at will in the game of his aggrandizement.

If the end is to justify the means, it will rarely have had a harder task. In most of the measures taken to secure his power in Peru, and especially in the recent arrest of so many distinguished individuals, who are to be ruined and banished merely for precaution, all the rights and feelings of men have been trampled upon, with a violence never surpassed.

In the selection of the victims of these measures, Buenos Ayres and Chili will see a most offensive step against themselves, since being a native of either of those States is a sufficient reason for proscription. Besides, the intrigues openly carried on against both, to distract their councils, and divide their provinces, (as in the case of Chiloe and Salta,) would be a just motive for a declaration of war. It is impossible, too, that those countries should not see that his views extend to including them under his dominion; and whenever that is tolerably established here, that he will direct his arms against them; and that course is prepared by continual insults against their system of government. His ambition will lead to endless wars, and the prosperity of these unpeopled countries will be arrested by its ravages on their population, and their resources exhausted by the enormous expenses that will be required. His hatred of a federal system, (the existence of which, in adjoining States, will disprove the alleged impracticability of a republic in these countries,) may afterwards lead him to hostilities against Guatemala and Mexico; so that, with all his restless military ambition, he need fear no want of occupation for the rest of his life.

Hostile operations, much more justifiable, and which the fatal ignorance and obstinacy of Spain render inevitable, will previously be directed against Cuba and Puerto Rico. General Perez was complaining to me, a few days since, that the Government of the United States had delayed their movements against Cuba more than eight months; but that they had 8,000 men in readiness in Colombia, and the first step after their arrival would be to invade Cuba. General Bolivar, in private conversation, lately declared, that when he had driven the Spaniards from that island, he would lead an army to Spain, and make peace in Madrid—one of those Quixotic extravagances that he occasionally discovers. This is not a solitary instance. Some months since, at a supper in Arequiph, at which were present upwards of twenty persons, after the champaign had circulated pretty freely, talking of the character of Napoleon, he said, if he had been in his situation, he would have conquered all Europe without difficulty. Some one remarked, that he would have found an obstacle in England. "Perhaps, it might have been so," he said; and then jumping on the table, and hitching about the bottles and glasses, he exclaimed, "In this manner, I would have marched over France and Spain." You will excuse the mention of such private anecdotes as this, but they are illustrative of his character; and history will record of him some acts of madness like those of Alexander in Persepolis, or Napoleon in Russia.

This ill-regulated ambition, which may involve South America in long scenes of confusion, is to be so much more deeply regretted, as his talents and enlightened views would have contributed to their rapid advancement; and if he had realized the disinterested character to which he pretended, the weight and influence of his name would have made him an invaluable umpire in all cases of difficulty. He is a friend to emigration, of which these unpeopled countries are so much in want; he is the protector of foreigners, (with the recent exception before mentioned;) and is anxious to proceed as fast as possible in getting rid of the idle and dissolute monks

who formerly overran these countries, and still hold immense possessions; and he is the declared friend of religious toleration. If, with these sound and liberal views, he had directed his energy to developing the resources of these countries; to establishing great public works, such as that of steam navigation on the coast of the Pacific, and a canal across the isthmus, he would have obtained the most extensive and permanent reputation as the great benefactor of his country. But military glory is his predominant passion; conquest and extensive empire his aim; and even if he escapes all the casualties which are incident to such a career, he will, at last, be only a brilliant military usurper, to be cursed by the present generation, and add another to the list of military madmen.

Of the results of the first session of the Congress of Panama, I need say little, as the details will reach you much sooner from that quarter. The demand for the reunion of Guayaquil and Quito was made by the Peruvian deputies, by orders from hence. Both those provinces, which are extremely jealous of each other, are, it is said, in favor of a federal system, and would prefer being united to Peru, as their junction with Colombia was an arbitrary act of Bolivar, and extremely inconvenient to their interests. Some of the measures of the Congress have caused great vexation and disappointment here: it was the intention to have transferred its sessions to this city. The removal to Mexico shows the jealousy entertained by that republic and Guatemala of Bolivar's plans; Chili and Buenos Ayres will now send their deputies to it, and all these States will join in opposing the influence of the Dictator. His ambition may, therefore, tend to defeat the utility of a Congress, of which he was the author; the idea of which justly increased his reputation, and whose measures might have been most salutary, if not made subservient to his personal ambition.

A new system of taxation has just been promulgated, which will yield a large revenue if it can be enforced. It is a tax upon industry, applied to all classes of dealers and carriers. The first class of merchants pay \$500 annually, and others in gradation; it is by no means excessive on the principal merchants and shopkeepers, but falls heavy on the others. In Lima, it will meet with no resistance, where every measure of Government, however oppressive, is always received with apparent subserviency and secret murmurs. In the interior, it may cause some trouble to enforce it. But the state of the finances requires taxes; credit is extinct; and the expenses are daily increasing, while the revenue is diminishing.

Marshal Santa Cruz has returned from the interior, after having repressed the mutiny at that place. He is President of the Council of Government, and commander-in-chief of the army and navy; titles given him to secure his acquiescence for the present, to be thrown aside when measures are matured. As soon as the constitution is adopted in Peru, Bolivia will be united with it, and probably the whole assume this name; Sucre remaining at the head, as Vice President under Bolivar. It is, however, pretty well understood that these titles, like those of Napoleon's consulate, may be only temporary, and will be succeeded by that of Emperor, and the creation of nobility to support the new dynasty.

This political apostacy has, naturally, made the adherents of the Libertador a little ashamed of meeting Americans, after so many professions of public virtue, and the pretended imitation of Washington. General Bolivar, in an allusion to some of my countrymen and myself, asked, lately, "how they in the *merced* liked these steps," and added, "let them kick against them, 'twill be in vain." Personally, in my intercourse with him,

he is always polite and affable ; though at the last dinner at the palace he talked at me. I was sitting with him in an inner room, General O'Higgins and one or two of the ministers being present, and he addressed himself to me, in declaring the impossibility of an elective Government in Peru ; that such a system might do in the United States, or even in England, but was utterly impracticable here ; that no man in possession of power would resign it ; that none but a hero was capable of such disinterestedness ; that eternal struggles and factions would ensue. This was at a time of great excitement, during the late panic, and where there were more guards than guests. Of course, I avoided any dispute on general principles, and turned the conversation by some anecdotes of American and English elections.

The shocks he will receive from the opinions in the United States, relative to the course he has taken, and the witticisms that will be pronounced on his scheme of a constitution, (of which he is vain to a degree of infatuation,) will, if my anticipations are well founded, serve to irritate him deeply ; and, like Napoleon, he will naturally feel a secret hatred for those whose consistent patriotism is a silent, but perpetual, reproach to him. How this enmity may be shown, I know not ; but as his chief reliance for conciliating the liberal party throughout the world is founded on his enfranchisement of his own slaves, and his unsparing denunciation of slavery, it is on this point that he may secretly assail us. How far he may cherish a feeling of hostility, and to what extent he may carry it, I do not undertake to judge ; and this is too delicate a matter to do more than make this suggestion of its bearing on a tremendous topic, which is daily assuming a more dangerous aspect, and I am persuaded will require the most serious attention.

The cause of General Necocha is nearly decided ; the fiscal had pronounced him innocent on every charge, and that he should be restored to his place, (director of the mint ; ) but having omitted to pronounce that he should be placed at liberty, this, according to their forms, requires a revision. I called on him yesterday in the convent where he is detained, and he told me, unless the sudden arrest of General Otero, after being told by Bolivar that he should be allowed to go back to Tarma, should be a pretext for longer detention, he expected to be liberated to-day. I believe it is his intention to refuse all further employment here, and ask for a passport immediately.

We hear that Arequipa is in a very unquiet state, and that several executions have taken place. The Colombian troops ordered down from thence, will leave the Government there weaker. It is said they are preparing, in Chili, an army of observation to watch Bolivia, as, while the adherents of O'Higgins are stirring up the southern provinces, it is suspected a detachment of Colombian troops may be put in motion by Sucre from the opposite direction. Here there are about 2,500 troops, and 500 more are coming from Arequipa.

I hope the arrival of an agent, enjoying the confidence of the Government, will soon relieve me from the necessity of writing, and convey you information with more ability.

I have the honor to be,

With the highest respect,

Your obedient servant,

W. TUDOR.

Hon. HENRY CLAY, *Secretary of State.*



*Mr. Tudor to Mr. Clay.*

LIMA, August 30, 1826.

SIR: Com. Hull having communicated to me a despatch from the Navy Department, enclosing instructions from the Secretary of State, respecting [a decree] of this Government, of the 17th of April, 1825, against Spanish merchandise, I have, at his request, this day called on the Minister of Foreign Affairs, to state the point on which explanation was required, and to ask a distinct reply: Mr. Pando, in consequence, entirely disavowed any intention of extending the decree beyond the jurisdictional limits of Peru, so as to authorize captures at sea, or that it was intended to exceed a municipal regulation. In consequence of this answer, it is the opinion of Commodore Hull, in which I fully coincide, that it would be inexpedient at present to enter into any correspondence on this subject. Whenever the relations of the United States with Peru shall be a subject of diplomatic discussion here, our minister may usefully advert to this decree as one among a list of measures against which, either for their harshness or their injustice, we have a right to complain.

When that decree was issued, I lost no time in seeking an explanation on the subject. I had several verbal conferences with its author, Mr. Pando, then Minister of the Treasury, on its injustice towards neutral commerce, as well as its impolicy in many respects. The chief point that required modification was that relating to the term for its execution, which, on my representation, was extended from four to eight months. I communicated the facts concerning it, in my letters Nos. 21 and 23, to the Department of State, and I fear they may never have arrived. On referring to them, I perceive I said nothing on the ambiguity in the second article, of which the President so justly complains: but this was owing to my knowledge that their intentions were limited to the confiscation of Spanish merchandise attempted to be introduced into the country. I, at the time, gave notice of the decree to Com. Hull, then at Valparaiso, and to Mr. Hogan, and requested both of them to make it known to Mr. Forbes, at Buenos Ayres.

The decree in question was singularly rash, crude, and in most respects impolitic. It has never, that I know of, been thought of since, or attempted to be enforced. Several American vessels have brought articles of Spanish manufacture, calling them French or Italian, and no difficulty has arisen, as no vigilance has been shown on the subject. It is like many other decrees promulgated here, that make a noise for a day, and are then forgotten. Its object was to alarm Spain, by seeing all the products of her industry proscribed, but I have never heard of any difficulty occurring under it; and it would perhaps never have been heard of, had not the Abbé de Pradt, in his pamphlet on the Congress of Panama, thought proper to vaunt it as a measure of so much wisdom and importance.

The list of persons exiled was yesterday increased by the addition of Mr. Saratea, a considerable merchant here, a native of Buenos Ayres, and several other of his countrymen and of natives of Chili. The consul of Buenos Ayres, having asked an explanation, about a fortnight since, of the motives of arresting one or two of his countrymen, was answered, at the same time that the new sufferers were added, that these persons were dis-

affected to the present Government, and were therefore dangerous in the country.

The departure of Gen. Bolivar is not yet fixed, but it is spoken of for the early part of next month.

I have the honor to be, sir,

With great respect,

Your obedient servant,

W. TUDOR.

HON. HENRY CLAY,  
*Secretary of State.*

No. 43.

*Mr. Clay to Mr. Tudor.*

DEPARTMENT OF STATE,

*Washington, October 27, 1826.*

SIR: Your letters from No. 1 to 42, inclusive, with the exception of Nos. 15, 16, 22, 23, 33, 34, and 36, which do not appear to have been received, have been received. If neither my predecessor nor myself acknowledged their receipt as they respectively came to hand, the omission was not in consequence of any insensibility to their value; on the contrary, the President recognises in them evidences of great zeal in the public service, and of your having rendered essential benefits to the interests of our fellow-citizens and our country in Peru. Your communications, always interesting, have frequently furnished the first, and sometimes the only, information on important measures contemplated or adopted by the Government of Peru. In consideration of these circumstances, the President has determined to allow you at the rate of \$4,500 per annum, from the day of Mr. Prevost's death until that of the arrival of Mr. Cooley at Lima. For that sum you are hereby authorized to draw on this department. The first mentioned day, for the commencement of the allowance, has been selected because from that time his services terminated, and you supplied most of the information which he was in the habit of transmitting, and performed other duties. The allowance ceases with Mr. Cooley's arrival, because thenceforward it is expected that he will keep us informed of every thing which it is material we should know in the affairs of Peru.

I am, respectfully,

Your obedient servant,

H. CLAY.

WILLIAM TUDOR, Esq.,  
*Consul of the United States, Lima.*

No. 44.

*Mr. Tudor to Mr. Clay.*

LIMA, November 21, 1826.

SIR: My last letter, of the 13th instant, was merely one of advice, to request that a draft for \$615 might be honored. I hope, by this time, a successor may have been named to this consulate; and I flatter myself with

the hope that, within a year, by returning home, I may be enabled to settle my accounts, which are within a narrow compass, and which I have endeavored, as far as possible, to keep so.

I have the honor to enclose a copy of my letter (No. 42) relative to the explanation required by the President, as to the intention of this Government in their decree of April, 1825; and I must here apologize for having interfered in that case, where the total silence of the department as to having any communication with me (which, however, if Commodore Hull had been absent on a distant part of this coast, as he was when the decree was issued, might have occasioned some delay in the views of the Government) was too expressive to make me anxious to meddle. But this Government, perhaps naturally enough, has a dislike to corresponding with naval officers, (that they have shown in the case of the Americans and English,) when there is any agent on shore, however humble, with whom they can treat. Commodore Hull, by his well-meant interference in the case of the ship *General Brown*, where all that was possible had already been done by me and my vice-consul, Mr. Prevost, drew upon himself an insulting report from the supreme court of justice. Considerations of policy, therefore, vanquished my repugnance to interfere, which were further supported by a sudden and severe illness, that prevented Commodore Hull from taking steps in the matter at the moment. These reasons will, I hope, serve to excuse my reluctant officiousness. The English Government, also, gave instructions to ask the same explanations relative to that decree.

In the letter above referred to, I mentioned that no difficulty had occurred under that decree; but, soon afterwards, a case happened to show how crude and unjust were its provisions. A native Peruvian merchant had purchased, in England, a quantity of Spanish merchandise, before he heard of the decree, for the Lima market; but, afraid of hazarding the property here, he sent it to Valparaiso from London. After a time, it was reshipped at that port, on board an English vessel, for Callao; and, at the same time, property belonging to two American houses in this city was also shipped on freight, without knowing what was the rest of the cargo. On discharging, here, the Spanish produce, bearing openly all the marks of its origin, was seized by the custom-house and the vessel, and the freight belonging to the American houses, shared the same fate; and, according to the terms of the decree, was subject to condemnation, though contrary to every principle of justice and public law. I addressed a note to the minister, (of which No. 1 is a copy, in the enclosed documents,) in which I asked his assistance to have this property liberated immediately; negatively inferring, as even more forcible than a positive assertion, that there was no ground for detaining it. No. 2 is a copy of his answer. A few days afterwards, the whole property was given up; and, although an appeal has been made from the decision as relates to the Spanish merchandise, no doubt the whole will be freed; the American property had previously been delivered to the owners, on giving bonds.

On the 21st of October last, the Government published another decree, in which the policy of those measures, which attempted national coercion by commercial restriction, was shown in a light sufficiently humiliating. Alarmed at the scarcity of quicksilver, the present high price of which impedes the operations of the miners, a decree was published permitting the introduction of any quantity of Spanish merchandise, on the condition of importing a specified amount of quicksilver. The proportion of quicksilver

required was absurd ; and an American house, here, wishing to take advantage of the decree, if made practicable, I wrote to the minister to ask some explanation, and pointed out the impracticability of the provisions. In reply, he tells me that, in consequence of my representation, the Government had modified the former decree by a new one, in which the quantity of quicksilver required was reduced four-fifths. Nos. 3 and 4 are copies of the notes on this subject. The consequences of the decree against Spanish merchandise, in which the convenience—not to say the rights—of neutrals were so little considered, I pointed out to Mr. Pando at the time, and urged upon him the impolicy of any measure which would tend to discourage the bringing of quicksilver ; besides, that it might well be doubted whether Peru would not suffer more by the loss of the duties, than Spain would by losing the supply of manufactures. But it was in vain ; and I have since had reason to suppose that the decree was dictated by superior authority.

In my letters (No. 26) of June 12, 1825, (No. 29) of February 28, and (No. 36) of June 11, 1826, I mentioned the intended discriminating duties that would operate very injuriously on our cotton fabrics ; and, with the last letter, transmitted a copy of the new commercial regulations, by which almost every article of our production that entered into the trade with this country was subjected to a prohibitory duty. For reasons that are too obvious to need being stated, I declined making any representation to this Government on the subject. But when I recently ascertained that the long delay in the coming [of] an agent who will enjoy your confidence was likely to extend several weeks longer, and that the term was fast elapsing after which the new duties would take effect, I determined to risk attempting to procure some modification, to prevent very great inconvenience to our trade, and the exclusion of some valuable articles of our manufacture. Besides writing to the minister, I had some conversation with Marshal Santa Cruz on the subject, in which I pointed out some of the objections alleged in my letter. He seemed impressed in favor of my arguments ; and in a second conversation, three days since, in which he introduced the subject, he told me the Council of Government had deliberated on the business, and that one of the courses I had suggested would be adopted : either to lessen the duty on American cottons, or equalize it on the plain cottons of other countries ; but, in part to the process of translation, and then as the question belonged to the Treasury Department, he was obliged to wait for an answer from thence before he could reply. No. 5 is a copy of my letter to him. I fear I may not receive his answer in time for this opportunity. Some other notes have passed between us, but on subjects of little moment.

By yielding a part of these articles that are subjected to excessive duties, I have endeavored to get the most important exempted : these are the cotton goods and chairs ; the former, if suffered to come here, will be of great consumption, being exactly suited to the wants of this country. The article of household furniture is trifling, with the exception of chairs ; but these have been brought in large quantities. I am informed that not less than two thousand dozen have been sold in the ports of Peru within two years.

Since the departure of General Bolivar, and that of the persons exiled, there has been little conversation on public affairs. The Council of Government have been almost daily issuing decrees, regulating various branches of administration : those relative to commercial affairs are the most defective ; and they must gradually correct their mistakes by experience.

Their great error is an attempt to draw an excessive revenue by high duties, especially on the precious metals, from which a double evil results: first, in the encouragement of smuggling—the inveterate disease of Spanish monopoly—which is as rife now as it was under that vicious system; and, secondly, in preventing the poorer (which is much the larger) class of ores. While dining at the palace, yesterday, the conversation fell on this topic, which they feel very keenly, as they know the *pina* is constantly smuggled out of the country in large quantities. I took occasion to remark to the president, Santa Cruz, that this evil would continue till the duties were placed on a moderate scale; that they now crushed the miner, and offered such a temptation to him and to the merchant, that contraband exportation was inevitable; that Mexico and Chili had seen the impolicy, and diminished their duties; that many nations had found an increase of receipt to be the consequence of a reduction of duty; and that if England, aided by a host of *douaniers*, and a squadron of armed vessels, could not prevent smuggling, even of bulky articles, it would be impossible to do it in Peru, with objects that furnished such temptations and facilities as the precious metals. They are, however, proceeding to arm *guarda-costas*, which will greatly increase their expenses, produce some vexations to merchant vessels, and fail of any other result.

It is a more agreeable task to speak of other branches of the administration, in which their measures are more wisely taken. They have, within a few weeks, issued a series of decrees of the most salutary tendency; a part of them go to the suppression of ecclesiastical abuses, with which the country is overrun; and others to the establishment of schools and colleges, which they seem determined to make efficient. Under the former head, they have published a decree, diminishing the number of dignitaries in each cathedral; they have granted permission to the monks and nuns to leave their orders, and many have already availed themselves of the privilege, and many more will follow. They have taken the revenues of the convents and monasteries under their own charge—a measure which will effectually destroy these institutions at no distant period; and it may be safely presumed that, of eighteen convents of nuns now existing in Lima, there will not remain five two years hence. By another decree, they have abolished a considerable part of the festival days, which were a great interruption to business of all kinds; and have, also, abolished the local festivals, celebrated by the Indians in the interior, and encouraged by the curates for the sake of their fees; but which were scenes of continual drunkenness and debauchery. They have also named Dr. Pedemonte, dean of Truxillo, and one of the most eloquent members of the former Peruvian Congress, Archbishop of Lima, which see has been vacant several years; and he proceeds immediately to Rome to obtain consecration. They have also appointed bishops for the other dioceses that are vacant.

The acceptance of General Bolivar's constitution, and choosing him President, has been effected in all the provinces under the immediate inspection of a military officer; this farce seems to have been performed everywhere with the same forms and the same indifference; and next month the oath is to be taken to this constitution. If he succeeds in bringing Colombia to the same result, "the consulate for life" will then be fully established, and the empire will follow of course, and measures prosecuted to extend its advantages to Chili and Buenos Ayres; with respect to which latter country, especially, General Sucre is incessantly intriguing, to dismember its

provinces, and gain them to his side. The intentions towards the Brazils will be manifested afterwards. In the mean time, preparations are in progress already; the prefect of Junin has been occupied, this season, in opening a military road from Tarma to the territory occupied by the independent Indians. The motive is said to be for the transportation of timber and salt for the use of the mines; but the real object is to establish posts on the Marañon, with the justifiable end of recovering territory, which the Portuguese, through the carelessness of the court of Spain, formerly invaded and retained, to the inconvenience of Peru. Once established on the navigable waters of the Marañon, an inspection of the map will guide conjectures as to future consequences.

Marshal Santa Cruz told me that their army now consisted of 11,000 men, and, though they were taking recruits in some places, they were discharging soldiers every day. About 4,000 of these troops are in Lima, and in no capital in Europe have I ever seen troops with a more soldier-like appearance, well and even elegantly dressed; and the parade of military bands, the attendance of guards, &c., give an imposing aspect. Santa Cruz has made himself popular; and this is the only instance, with the exception of La Mar, that I have known of any individual in the Government, since my residence here.

In spite of the military expenses, and the embarrassment of their finances, the country is recovering from the state of ruin that was caused by the profligate, atrocious manner in which the war was waged. The vast amount of church property that will be at the disposal of the Government, and the immense wealth contained in their mines, will relieve them whenever they organize a wise financial administration. The aspect of the capital improves every month; and the valuable estates on the coast, that have suffered so severely, are again becoming productive. The produce of the mines may be estimated at \$2,000,000 the present year, and will probably be doubled the next.

The president, Santa Cruz, has conversed with me on the subject of sending three of his nephews, who are under his protection, to the United States, for education, which he says he prefers to sending them to Europe, as he wishes they may have an American and not European sympathy. He wished to have them go by the frigate United States, and I advised Commodore Hull to take them. The point is not entirely settled, and I have promised him some further information relative to schools, &c. His wish is, that they should receive the best education to fit them for any career. I told him that one of the best schools existing in any country was our national academy at West Point; that I had no doubt the President would be disposed, if it was in his power, to place them in that establishment; but that the reputation of the school made the applications so numerous, that many parents were disappointed in the wish of having their sons there. I could not say how far the President's discretionary power might extend, but I had no doubt, if it was sufficient, he would give an order for their admission. I hope I have not been indiscreet in speaking in this measured manner; but it seems to me good policy to encourage the sending of a few of their young men to our country, to maintain hereafter our share of influence with the rising generation of Peru. Several have been sent to England, and the French are constantly making efforts to have boys sent to France for education. The last French vessel of war that returned to Europe took seven; and a sloop of war, about returning, has

made the offer to take any more free of expense. These will all be formed by the Jesuits of that country, and, as far as possible, will be imbued with anti-liberal opinions, religious and political. It is our duty, on loftier grounds even than those of national policy, to counteract these efforts, and assist in producing examples of more liberal instruction. Santa Cruz is not a married man, and these youths, who appear intelligent, will probably have his patronage to advance them in the service of Peru.

A French agent is daily expected here under the name of inspector general, with a large salary, but with mysterious credentials. He will not be received, if he does not bring documents in the accustomed form. The English consul is engaged in making a commercial treaty, which proceeds slowly. I was told last week, by the English commander on this station, that he thought all their ships, except two sloops of war, would be recalled, as it was reported orders had been given to that effect. The French have only two corvettes here. There is now no appearance of occupation for any squadron in protecting commerce, except privateers should be fitted out from Manilla, which has been talked of as probable. All vessels would be exposed to their violences, if there were no foreign ships of war to protect them, should the governor of that island act on the principle that general told me governed him in his command here, which was (without any reference to events) to consider the laws of the Indies as still in force.

Since the departure of General Bolivar, the Government consists of Marshal Santa Cruz, president; Mr. Pando, Minister of Exterior and Interior Relations; General Heres, Minister of War and Marine; and Mr. Larrea, Minister of Finance and Ecclesiastical Affairs; and all power is in their hands.

I have the honor to be, with high respect,

Your most obedient servant,

W. TUDOR.

Hon. HENRY CLAY, *Secretary of State.*

[With W. Tudor's letter of 21st November, 1826.]

*Correspondence with the Minister of Foreign Affairs.*

(No. 1.)

LIMA, October 20, 1826.

SIR: I have the honor to enclose a petition of the house of Nixon, Macall, & Co., respecting certain merchandise belonging to them, on board the schooner Mackarel, in a state of detention, under the decree of April, 1825, against Spanish productions. The circumstances of the case to which the present petition refers, as well as another on which Messrs. F. Huth, Coit, & Co., have already petitioned, are such as to induce me to hope your excellency will take them under your special protection, to prevent that delay in liberating this property which will be very injurious to the owners, they being in no way implicated by the questions that have arisen respecting other parts of the cargo.

I have the honor to be,

With high respect,

Your obedient servant,

W. TUDOR.

Sr. Don J. M. DE PANDO,

*Minister of Foreign Affairs, &c. &c. &c.*

*Answer to the preceding.*

(No. 2.)

PALACIO DEL GOBIERNO,  
*Republica Peruana, en la Capital de Lima, á 27 de Oct. 1826-7.*

El Ministro de Relaciones Exteriores recibió y pasó al departamento correspondiente la solicitud de los comerciantes, Nixon, Macall, & Co., que se servió dirigirle el Sr. Consul General de Estados Unidos del Norte el 20 del corriente, y se le ha contestado que no puede expedirse providencia alguna acerca de ella, mientras no se resuelva definitivamente la causa principal que pende ante el juez competente. Llegado este caso, el Gobierno deliberará lo mas justo, y el infrascripto tendrá la honra de comunicarle al Sr. Consul, á quien salude renovándole sus consideraciones distinguidas.

J. M. DE PANDO.

Sr. CONSUL GENERAL,

*De los Estados Unidos del Norte America.*

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[TRANSLATION.]

(No. 2.)

PALACE OF THE GOVERNMENT,  
*In the Capital City of Lima, October 26, 1826.*

The Minister of Foreign Relations received and transmitted to the proper department the petition of Messrs. Nixon, Macall, & Co., merchants, which was addressed to him by the Consul General of the United States of the north on the 20th instant, and he has received a reply to the effect that no measure can be taken with regard to it until the principal cause, now pending before the competent judge, has been definitively determined. When this has been done, the Government will resolve what may be most just, and the undersigned will have the honor to communicate it to the consul, to whom he sends his respects and renews the assurances of his distinguished consideration.

J. M. DE PANDO.

To the CONSUL GENERAL

*Of the United States of North America.*

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(No. 3.)

LIMA, October 31, 1826.

SIR: I have the honor to address your excellency, by the desire of some of my countrymen, to request an explanation relative to an article in the decree of the 21st instant, respecting the admission of quicksilver and Spanish merchandise. The 5th article says, "La republica admite ademas en cualquiera de sus puertos mayores cargamentos de mercaderias Españolas en



buques de cualquiera pabellon con tal que estos presenten, diez quintales de asoque por tonelada." A doubt has arisen respecting the intention of this article; its most obvious interpretation is, that, for every ton of the vessel's burden, ten quintals of quicksilver must accompany the Spanish merchandise; so that a vessel of 200 tons would be obliged to bring 100 tons of quicksilver—a condition which no merchant would venture upon; and if the vessel were of larger burden, the quantity must be proportionably increased. But if the regulation intends, that, for every ton measurement of Spanish merchandise only, ten quintals of quicksilver must accompany it, the condition, though from its extent it would prevent any very considerable adventures from being undertaken, might still attain its object in a more limited degree. I request the favor of a reply as to the mode in which the Government intends this article should be understood.

I avail myself of the occasion to renew the assurances, &c.

W. TUDOR.

To the MINISTER OF FOREIGN AFFAIRS.

(No. 4.)

*Answer to the preceding.*

PALACIO DEL GOBIERNO,  
*En la Capital de Lima, á 16 de Nov. de 1826-27.*

El infrascripto, Minisiro de Relaciones Exteriores del Peru, transmitió á su Gobierno, por el organo respectivo, la consulta que el Señor Consul General de Estados Unidos de Norte America se sirvió dirigirle en nota fecha 31 de Octubre pasado, relativa á la inteligencia del supremo decreto de 21 del mismo, sobre importacion de asoques en la republica, y en consecuencia S. E. ha tenido á bien modificar el referido articulo, por un decreto particular limitando la importacion a solo dos quintales por tonelada.

El infrascripto, al comunicar esta resolucion al Señor Consul, tiene el honor de renovarle su consideracion distinguida.

J. M. DE PANDO.

(No. 4.)

[TRANSLATION.]

PALACE OF THE GOVERNMENT,  
*In the capital city of Lima, November 16, 1826.*

The undersigned, Minister of Foreign Relations of Peru, transmitted to his Government, through the proper channel, the note which the Consul General of the United States of North America was pleased to address to him on the 31st of October last, containing inquiries respecting the interpretation of the supreme decree of the 21st of the same month, relative to the importation of quicksilver into the republic; and, in consequence, his excellency has been pleased to modify the article referred to, by a special decree limiting the importation to only two quintals per ton.

The undersigned, while communicating this resolution to the consul, has the honor to repeat to him the assurance of his distinguished consideration.

J. M. DE PANDO.

To the CONSUL

*Of the United States of North America.*

(No. 5.)

LIMA, November 2, 1826.

SIR: I have now the honor to address your excellency on a subject of great importance to the commercial relations of the United States and Peru, and one on which, fortunately, as I believe, the interests of both countries will be found to harmonize. The question is one that has long occasioned me much anxiety, but which I deferred discussing, in the hope that, ere this period, an agent would have arrived here from the United States, on whom the duty would have devolved; but the delay which has taken place unexpectedly in his departure, and the probability that his arrival will still be deferred several weeks, makes it necessary for me, under all the disadvantages of inferior ability, but in the hope of averting very serious inconveniences, now to address you on the bearing which the new tariff of duties established in June last, (and that is to take full effect in February next,) will have on the extensive and mutually advantageous commerce between our respective countries. The topic is one that would require a long exposition, if followed into all its details; and, while treating it as succinctly as possible, if my letter should extend to a greater length than I would desire, it will only be with the purpose to throw a full light on the subject, and will therefore, I trust, be excused.

The new tariff falls with peculiar severity on the commerce of the United States. It so happens that all the articles on which the duty of 80 per cent. is laid, were the objects of import from thence almost exclusively, and constituted a very large proportion of the cargoes of American vessels. Had the United States been an enemy, instead of being, as I know she is believed to be, and that most justly, an early and disinterested friend of Peru and her sister republics, no commercial enactment could have been more injurious than the new regulation. Its prohibitory duties fall almost entirely on her products; while those of Europe, and even those of some nations whose policy, up to the present hour, has been in strong contrast to that of my country, receive no injury from the new standard. I believe, sir, in the fullest manner, that this was not intended, and is the accidental result of circumstances; yet, as the consequences will be so injurious, I allude to them only as furnishing a strong motive to induce the Government of Peru, in accordance with those friendly feelings that I am persuaded they reciprocate, to willingly admit any alleviation that will not injure the interests of this new republic.

I cannot refrain here from respectfully submitting a remark on the general policy of similar measures, occasioned by the repeated and interesting discussions that they have recently received in other countries. In the United States, where, in many places, a condensed population, a large moneyed capital, an abundance of water power, and other advantages exist

for the establishment of manufactures, a strong party was formed to attempt to lay excessive duties on a variety of foreign fabrics, for the purpose of encouraging their own manufactures. The plan was opposed as being founded on narrow and mistaken views of national policy; and, after the most strenuous efforts, but slight changes were effected. In England, where, in the management of all commercial affairs, there is probably more skill and attention displayed than in any other European country, very remarkable diminutions have been made of late in their custom-house duties, for the purpose of promoting a more liberal system, and creating greater means of trade with other countries, and admitting their fabrics to a rivalry in the English market, though at the expense of very considerable distress to some classes of English manufacturers. The British ministers, in the discussion that took place, avowed their conviction of the false principles of the restrictive system, and openly expressed their regret that they could not immediately do away with all the series of prohibitions and restrictions, the invention of ignorant ages, but which they could now only abolish by degrees, from the immense interests that would be affected: but declaring to the nation, that they would, as fast as circumstances might permit, establish a system of entire freedom and liberality in commerce—the most enlightened political economists of the present day being all agreed that a forced protection of any branch of industry is false policy; that the industry of every nation should be left to produce only those articles which it can do to the most advantage; and if it can obtain, by exchange, any article cheaper than it can be made at home, there will be a gain in so doing; and that those nations which are exempt from antiquated trammels, as is especially the case with all those of our continent that are emancipated from European domination, have a vast advantage in not being fettered by that system of restriction and prohibitory duties which now embarrasses the movements of most of the European States, and which was the device of less enlightened times, to cramp commerce and injure each other.

If, sir, these principles are just, (and, in a general view, they are certainly undeniable,) is not a renunciation of them a most mistaken course? And if the liberal system be a wise one, even in countries with a dense population and extensive capital, is it not most emphatically so in a country situated like Peru, where the scarcity of hands is felt in every branch of industry, and where the disastrous ravages of the recent war have diminished the population to such an extent in some places, that some of the most valuable and fertile estates on the coast are deserted, or languishing for want of laborers; and the equally valuable working of the mines is greatly impeded for the same reason? Can it be sound policy, in a country thus situated, to foment a spirit of manufacturing, when other branches of industry are perishing for want of laborers; and where a man can produce by his efforts in the mines, or in agriculture, eight reals, while he can only by weaving?

Among the articles whose future importation will be prevented by the high duty of the new tariff, is lard; which has been brought here from the United States in considerable quantities, and has commonly sold at a fair profit. But the justice and expediency of the protecting duty in this case cannot be questioned for a moment. The fine estates in the valleys of Laoura, Chancai, and elsewhere, which were devastated by the war, and prevented, during its pressure, from any attempt at restoration, are now,

fortunately, resuming cultivation ; they are fully adequate to supply this article, which is of such great consumption ; and the protection of the Government is most wisely accorded to the efforts of the proprietors, which, in a short period, will restore to its former prosperity one of the most considerable sources of wealth in the agriculture of Peru.

There are articles, however, to which the same principles will not apply; for instance, that of chairs, of which there is no rival manufacture in Peru, nor materials for establishing it. The chairs brought from the United States being cheap, light, strong, and easily transported, are especially suited to the wants of this country ; and, as they do not interfere with any domestic fabric, and are a great convenience, it would certainly be good policy to exempt them from the excessive duty. Leaving this and others of the prohibited articles to the consideration of your excellency as objects of revision, I will confine myself more particularly to the subject of the plain cotton cloths (bleached and unbleached) brought from the United States, and which the new tariff will exclude after it goes into operation. The regulation bears upon them with double weight : first, in being valued at a higher rate than corresponding fabrics from other countries ; and then levying a duty of 80 per cent. on this valuation.

The ostensible object is to encourage the domestic manufacture of *tucuyas*, in Peru ; but it may be affirmed, without fear of contradiction, that this object (unless a much more extensive restriction is resorted to) is unattainable, even were it expedient. The principal effect of this regulation will be to drive the cotton cloths of the United States from this market, to substitute for them inferior articles of European and Asiatic manufacture ; the goods known under the names of madapollams, bastas, and launas, (which are very inferior in quality to the American cottons,) will again take the same place in the market which they held before the superiority of the latter had caused them to give way ; and I have been informed, by a respectable merchant, that madapollams have already experienced a rise in anticipation of the exclusion of American cottons. It is a circumstance to be noted, that an English merchant was one of the committee that formed the valuation on which the goods are to be estimated ; and, however innocent he may be of any bias towards the interests of his countrymen, it will be difficult to prevent the suspicion that he may have been influenced in a case where both national sympathy and the interest of his correspondents were implicated, though it is well known he dissented from many of the items as they were established.

By the effects of the new tariff, English manufactures will have a further protection (to the direct injury of American commerce) in the markets of Peru, where they have already such a preponderating consumption. Inferior articles will be encouraged, to the disadvantage of the consumer ; and the consequences of the tariff will be the increased importation of English and India cottons, rather than the encouragement of Peruvian fabrics ; for these latter cannot compete with the cheaper productions of these foreign looms, and would be unable to supply the wants of the country, even if their produce were quadrupled. The American fabrics to be excluded are singularly adapted to the wants of this country ; their use is becoming general throughout South America and Mexico, owing to an experience of their cheapness and superiority over all similar goods. This superiority does not arise from greater skill in the American manufacturer, which it would be idle to pretend to, but from the more substantial quality of his

brics, owing to his possessing the raw material of better staple, and at a lower rate, and, therefore, he is able to make better cloths; while the European manufacturer strives to economize the raw material, by making his goods of a more flimsy texture, and concealing the defect by a more showy exterior. If, then, the question had only reference to the interest of the consumer, it would seem to be sound policy to favor, instead of discouraging, the introduction of the more valuable merchandise.

There is another ground on which the trade of the United States with this country may seem entitled to particular consideration. I am assured, by respectable merchants, that nearly one-half the duties which have been received by the public treasury the last year has accrued from the cargoes introduced by American vessels. A reference to the books of the custom-house would exhibit this fact, and, also, what portion has been received from the duty on American cottons; and if my information of the amount of this item be correct, it may well be questioned whether, if the object of fostering the domestic cotton manufacture of Peru could be obtained, which, for reasons above stated, I am convinced cannot be the result,) the advantage to the country would not be greatly overbalanced by the loss of the revenue.

The commerce of the United States, which has been so considerable with this country, is decreasing; and must be annihilated, if their cotton fabrics, being classed and valued as *tucuyas*, are excluded, to have their place supplied by the less valuable fabrics of Europe and Asia. This commerce has been one, in past years, of vital importance to Peru; and has consisted, to a large degree, in articles of the first necessity. The reanimation now rapidly taking place in the agriculture of Peru has cut off one considerable article (that of lard) from further importation; the ports of the Intermedios and Chili, by their renewed exportation of wheat, will nearly destroy another more considerable branch of trade—the introduction of flour; still, the superiority of the American flour will always lead to the consumption of a portion of that article, as the bakers, I am told, find it a great convenience to mix it with other flour. It seems, therefore, to be good policy to encourage the introduction of flour, at least till the production of Peru shall be greatly increased. An entire cargo of flour to the ports of this republic can no longer be hazarded from the United States; but it would still be brought in small quantities, if other articles can be found to form an assorted cargo. It is in this view that the importation of cotton goods will have a decided importance, by permitting them to be introduced, as it will enable the merchants of the United States to make up an assorted cargo, if they form part; as, though the profit will be necessarily small, from competition, they will, at least, assure a freight. Without this permission, the direct trade between Peru and the United States will be annihilated. The articles of lard, soap, furniture, hats, shoes, saddlery, &c., &c., are excluded from the condition of the tariff; that of flour is nearly destroyed by the increasing produce of the neighboring countries. All these articles were formerly objects in American cargoes; and if to these are added the cotton goods, the trade between the two countries will be at an end.

It is wholly unnecessary for me, in addressing a minister with the enlightened and liberal views of your excellency, to dwell on the advantage to every nation of having a varied commerce, connecting it with all other parts of the earth; for there are few countries that cannot supply to another articles of value. From the United States, several may be brought

that it will be an advantage to Peru to receive ; but since the decline in the price of flour, there is no one that can form an entire cargo ; and, I repeat it, if the cotton goods are added to the extensive list of other articles that are charged with a prohibitory duty, the whole trade will be reduced to a significance.

To effect the object proposed by the high duties, all plain cotton goods must be equally prohibited ; and then the question would appear in a glaring light, whether the policy, under the actual circumstances of Peru of producing an enormous defalcation in the revenue, or an excessive tax on the community, by increased cost of the articles, in order to favor a particular branch of manufacture, would be judicious ; and, if this general prohibition of all plain foreign cottons does not take place, then the commerce with the United States will be sacrificed by granting a protection, which cannot fail to appear invidious, to rival foreign articles—a policy towards that country, which, I am persuaded, will not be followed by the Government of Peru, unless some motives for it exist, which are not now apparent. If, sir, the suggestions here made should be thought by your excellency to be well-founded, and if the Council of Government should feel disposed, as I venture to hope it will be, on general, as well as particular grounds, to prevent the consequences that have been enumerated, an official declaration that the plain cotton goods of the United States, manufactured in power-looms, should not be considered as *tucuyas*, but classed with English and India fabrics of similar character, both as regards the duty and the value on which it is predicated, and the article of chairs, and any others which on revision, it may be found expedient to alter, should be exempted from the new duty, the chief difficulties would be removed, and all foreign fabrics would be placed on fair and impartial ground.

Should such a decision be early taken, there is still a strong probability that it would reach the United States in time to prevent any serious interruption of commerce, and the consequent representations and remonstrances that would be occasioned. Such spontaneous evidence of a disposition on the part of this Government, to cultivate and extend the commercial and friendly relations which, I trust, will always exist between the two countries, would not fail of being duly appreciated. I need not add, sir, that it would be a peculiar satisfaction to me to be able to communicate to my Government the intelligence of such a friendly demonstration.

I regret to have been obliged to trouble your excellency at such unusual length ; but the importance of the subject, which would excuse even a more elaborate development, has made it necessary. I avail myself of the occasion to renew the assurance of the high consideration with which I am

Your obedient servant,

W. TUDOR.

To Don J. M. DE PANDO,

*Minister of Foreign Affairs, &c.*

No. 45.

[EXTRACT.]

*Mr. Tudor to Mr. Clay.*

LIMA, December 13, 1826

SIR : I have the honor to enclose a copy of the constitution which was sworn to on the 9th instant, the anniversary of Ayacucho ; on which occa-

ion, there has been a three days' festival, with various processions and amusements to gratify the people of Lima. A large collection of documents accompany it, which are intended to sanction it in the eyes of the world.

With respect to these documents, I say but little; the one signed by the members of the late Congress, petitioning General Bolivar to continue with the dictatorial power, and proposing the amendment of the former constitution, was published, at the time, as an excuse for overturning that constitution. I have, in previous letters, explained by what means the signatures of those members were obtained; one of the most distinguished of them, Dr. Pedemonte, has recently received his reward, in being appointed Archbishop of Lima. As to the acts of the electoral colleges and various provinces, it is sufficient to state, that no kind of discussion was permitted; and one or two military officers, sent for the purpose, were present at all of them. And just before their assembling, a sudden act of proscription selected from all the provinces, a number of individuals, (some of whom had been most distinguished in the patriot cause, and all had embraced it,) and banished them from the country. No class was exempt—merchants, clergymen, and military men were alike involved in the calamity. In short, the annals of usurpation furnish no instance of more profligate tyranny. All these acts of the provincial assemblies were dictated by the prefects, or other persons devoted to General Bolivar. You will, therefore, be able to judge how far the acceptance of this constitution is an expression of public feeling in Peru.

When the character of the population of this country is considered, and the habits and ideas in which the present generation was reared, a pure republican Government and an elective President seem impracticable.

If Bolivar had been honest in believing such a change of constitution necessary, and placed La Mar in its administration, the world would have given him credit for his good intentions, whether well or ill founded. But his inordinate, insane ambition, which aims at forming an empire of more extensive limits than any the world has known, will leave no doubt as to his motives in preparing this constitution.

I have the honor to be, with high respect,

Your most obedient servant,

W. TUDOR.

Hon. HENRY CLAY,  
*Secretary of State.*

No. 46.

*Mr. Tudor to Mr. Clay.*

LIMA, December 24, 1826.

SIR: I have the honor to enclose copies of the correspondence that I have had with the Minister of Foreign Affairs in the course of the last two months. In No. 44 I enclosed a copy of my letter respecting the excessive duties imposed on our manufactures, which I have forwarded in duplicate.

No decision on that subject is yet made; but the committee to whom it was referred have resolved to report against the alterations I asked for.

This committee consists of five : two of them very intelligent men, liberal and enlightened in their opinions, and who were decidedly in favor of agreeing to all I proposed. The other three are employed in the Treasury Department ; and, although two of them were disposed to take the same course, they said they must vote against it. The committee, however, will make their report, stating the division of opinion on the subject.

It is quite evident, from these circumstances, that the Secretary of the Treasury is opposed to the changes in the tariff I have suggested ; but I have my doubts whether this opposition is not confined to him. And though the Government might confirm the report of this committee, if an explanation were given, I have some hopes that such an explanation may have some effect ; I feel confident it will have, if the decision of the Government be not already made against the propositions ; and if it be, the president, Santa Cruz, must have changed his opinion. I regret that it is not in my power to send the result of this affair, which is so important to our manufactures and commerce ; but, in spite of all my efforts, the dilatory mode of doing business here, especially in the Treasury Department, has prevented it.

The object of obtaining permission for our whale ships to dispose of small quantities of oil to purchase their supplies, without being subjected to the tonnage duties, will be a considerable convenience to those engaged in that business ; and although I think this point will be granted, I have in vain sought to get the decision.

I wish to add one word of explanation on the style in which they address me as "consul general." This is no assumption on my part. When talking on this subject with some foreign officers, I told them my commission was "consul of the United States of America for Lima and the ports of Peru," with the right of naming vice-consuls, which I had done in only two instances : this, they said, was a consul general. I, for brevity, have used the style of *consulate of Peru*, from the terms of my commission. But, having heard that a consul for Arequipa and Arica had been appointed, (at which latter place I had a vice-consul,) I have some fears that I may, unintentionally, have presumed too much. I trust, however, that the nomination of some person to take my place will soon prevent my committing any further mistakes.

Mr. Drexel, the individual whose treatment was complained of, was immediately released, and his effects restored.

I pray you to accept the assurances of the high respect with which I am,

Your obedient servant,

W. TUDOR.

HON. HENRY CLAY,  
*Secretary of State.*

No. 47.

*Mr. Tudor to Mr. Clay.*

LIMA, December 24, 1826.

SIR : A few days since, four Colombian officers, belonging to the troops now here, made a representation to the Government, of the following tenor.



They asked permission to return to Colombia, to their families and home; stated that they had not entered the army as a profession, but to combat the oppressors of their country; and had come to Peru in the prosecution of the war, and not to enslave it; and the enemy being wholly vanquished, they wished now to return, &c. They were immediately put in confinement. There is much discontent among the Colombian officers. The majority of those from Venezuela are devoted to General Bolivar; the others opposed to his plans, and discontented. Among the latter are General Lara, the commander-in-chief, and General Apareciobe.

The English Government have ordered the largest part of their naval force to return from this sea. The Cambridge, 74, is on her return home; the Warspite, also 74, that is coming from India to replace her, has also orders to return immediately; and the Blanche, frigate, the same orders, to return round the cape. They will only leave here two or three sloops of war. It is supposed, as the seat of American warfare is now transferred from this ocean to the coasts of the La Plata, or the vicinity of the Gulf of Mexico, that their large ships are wanted on those stations. There being no longer any enemy's ships here, and money being now safe on board of merchant vessels, (where it is shipped in preference to vessels of war,) a large force is probably thought superfluous.

A French agent, under the title of inspector general, with a salary of \$12,000, reached this city two days since; but the Government decline receiving him, as his credentials they consider informal, not being particularly addressed to them: but have no objection to his remaining as a private gentleman. What course he will take, I do not know.

After the departure of the Dolphin, which sails to-morrow, the French frigate Antigone, and three corvettes of that nation, will be the only foreign vessels of war in Callao. They have never had so many pendants at one time during my residence here.

I have the honor to be, sir, with great respect,

Your obedient servant,

W. TUDOR.

Hon. HENRY CLAY,  
*Secretary of State.*

No. 48.

[EXTRACT.]

*Mr. Tudor to Mr. Clay.*

LIMA, January 6, 1827.

SIR: I have now the honor to enclose a duplicate of my letter No. 47, and also copies of the correspondence I have had with the Minister of Foreign Affairs, during the last two months. The two most important subjects—that of exonerating whale ships from the tonnage duties, and that of the high duties imposed on various articles of our produce—have been decided.

With respect to the former, this Government has established, by decree, a general regulation, allowing whale ships to sell a sufficient quantity of oil, and also naval stores, to obtain their supplies, without paying the tonnage duties exacted from merchant vessels. The addition of naval stores to the permission was more than I asked for; and though it makes the

regulation appear a little incoherent, I declined, for various reasons, making any objection to it. I also enclose a newspaper containing a copy of the decree, which it may be useful to those engaged in the whale fishery to have published.

On the subject of the duties, the Government, as I had of late anticipated, have declined lessening them; but they have acceded to the alternative proposed, of laying the same duty on all plain foreign cottons: these being really, though under various names, rivals of each other and of the Peruvian fabrics. This measure being taken, which gives our articles the same rate of duties with those of foreign nations, we have no right to complain, whether the policy of protecting their own manufactures be sound or otherwise. I am, however, confident that the principal motive in forming this tariff was that of revenue, which is negatively shown by the refusal to abate the duty, on chairs, of which they have no similar manufacture, and which are extensively sold in this country. The consequences of this measure (if foreign influence does not overturn it, which cannot be easily done,) will be to give our cotton goods the same chance in the market with those of other nations; and the result will be, that they will have to pay dearer for them; for they will still undersell the native weavers, who, with their rude looms and hard labor, cannot compete with the prodigious production of modern machinery. In this competition, the cotton cloths of the United States will have all the advantage which their substantial quality and superiority for the wants of this country can confer.

Captain John James, a respectable American citizen, who had a wife and family in New York, was unfortunately drowned, a few weeks since, in fording the river of Santa. I shall take steps to secure his effects for his family. I am told he must have left some property.

I have the honor to be,

With the highest respect,

Your obedient servant,

W. TUDOR.

HON. HENRY CLAY,  
*Secretary of State.*

[With Mr. Tudor's letter of the 6th of January, 1827.]

*Contents of the following correspondence.*

- No. 1. Letter to the Minister of Foreign Affairs: application for a whale ship to sell oil for supplies; suggestion to establish a general regulation in favor of whalemén.
- No. 2. To the same: application for an order to tranship United States provisions without duty.
- No. 3. To the same: requesting an answer on the subject of the high duties on articles of American commerce; further remarks on the subject of whaling vessels; complaints of the vexatious delays of the custom-house.
- No. 4. From the minister: information that the subject of the high duties was in the hands of a committee; agreeing to the proposed regulation exempting whale ships from the tonnage duty; requesting details on the subject of the custom-house.

- No. 5. To the minister : declining to enter into details respecting the custom-house, and assigning the reasons.
- No. 6. To the same : requesting copy of the regulation respecting whale-ships.
- No. 7. Complaining of ill-treatment of an American citizen.
- No. 8. From the minister : explaining the mistake which caused the ill-treatment of the American citizen, with information that orders had been given to release him, and restore his effects.
- No. 9. From the same : enclosing official copy of the regulation exempting whale-ships from tonnage duties.
- No. 10. To the minister : acknowledgment of receipt of the preceding letter.
- No. 11. From the Secretary of State : making known that duplicate manifests would be required by the custom-house from vessels arriving in Callao, within 24 hours.
- No. 12. Answer to the preceding.
- No. 13. Letter from the Secretary of State, respecting the subject of the duties, and enclosing a copy of a decree by which the high duty is laid on all foreign plain cotton goods.
- No. 14. Answer acknowledging receipt of the preceding.

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(No. 1.)

*To the Minister of Foreign Affairs.*

LIMA, November 21, 1826.

SIR: The American whale-ship Oregon, Captain Bunker, entered Callao, two days since, partly to obtain succor for a sailor wounded in the attack of a whale, and for supplies. The captain desires permission to sell 40 barrels of oil, free of anchorage duties, as they would amount to nearly its whole value. To avoid delay, which is very prejudicial in this case, I addressed myself directly to the Minister of Hacienda, who kindly said he was willing to give the license requested, but that the application must come through your department.

I hope your excellency will allow me to ask attention to this subject generally. The whale-ships, even under the jealous monopoly of the ancient Government, were allowed to sell oil, free of duty, to purchase their supplies. They are allowed, as I am assured, to do the same in Chili; and as they are not merchant vessels, I would respectfully solicit of the Government a general order to the administrador of the customs, to allow them to sell small quantities of oil, without being obliged to pay the anchorage fees; the duties on the oil being paid as in a merchant vessel. Allow me to suggest, that, besides these motives of favor which are shown by all nations to fishing vessels, the occasional supply of oil by the whale-ships will, in the present high price of tallow, and, indeed, at all times, be an advantage to the working of the mines, as the use of oil is a great economy to the miners.

I have the honor to be,

With high respect,

Your obedient servant,

W. TUDOR.

To DON J. M. DE PANDO, &c. &c. &c.

(No. 2.)

*To the same.*

LIMA, November 21, 1826.

SIR : Since closing the note I have had the honor to address your excellency under this same date, I have received a letter from Commodore Hull requesting an order for the free transshipment of 56 bags of beans, now on board the English vessel Duke of Kent, and shipped by the navy agent in Valparaiso for the use of the squadron of the United States. I solicit an order for this purpose.

I avail myself of the occasion to repeat the assurances of the highest respect with which I am, &c.

W. TUDOR.

(No. 3.)

*To the same.*

LIMA, December 6, 1826.

SIR: Having an opportunity (in the course of a week) of writing to the United States, by a short route, I am extremely anxious to communicate to my Government, as early as possible, the determination of the Government of Peru respecting the important topics of the letter which I had the honor to address to you on the 2d of November last, as the future interests of American commerce with this country are so deeply involved in the subject; and I therefore solicit your excellency to favor me with an early reply.

I also beg leave to ask your attention to the question of exonerating whaling vessels from the anchorage duties in the port of Callao. In the hasty conversation I had with your excellency on that subject, you thought, if I recollect rightly, that no difficulty would arise in granting permission for individual cases as they might occur, but that a general permission might be subject to abuse; and, if there be danger of this, it cannot be expected such regulation should be established. It seems, however, that this discretion might be safely left to the heads of the custom-house and marine departments at Callao. A whaling vessel is so entirely distinct in her whole appearance and equipment from a merchant vessel, that the least experienced officer can never mistake them; and as the only article to be sold is oil, and that to be restricted to a small quantity, I hope the double motive of according the usual hospitality to vessels of this class, and the advantage of obtaining supplies of an article of the first necessity in the mines, may render the question worthy of the consideration of the Government. Without some general regulation that will facilitate the despatch of their business, I am persuaded, from the experience of those who have made the attempt, that they will never renew it, and that others will be discouraged. In the case of the last vessel that entered in distress, though the Minister of Hacienda kindly said the permit (to sell a small quantity of oil) should be granted, yet the vessel sailed (after waiting a week in vain) till the day before the license reached Callao; so that in this case, as in others, a tardy permission was more injurious than a prompt refusal.

I have, sir, always avoided, as far as possible, obtruding complaints upon the attention of the Government, well knowing the difficulties of organizing anew the various branches of administration which had been deranged or destroyed by the events of war and revolution. I have, for some time past, resisted the requests that have been made to me, to represent the obstacles and vexations which the vessels of the United States, in common with all others, have been exposed to, in their transactions with the custom-house. I considered the evils to be partly incident to the operation of transferring that establishment from Lima to Callao, and that they would soon be removed; but I am assured that they rather increase than diminish. The neglect of some of the officers employed, their absence from their posts, and the utter indifference which many of them have shown to the expediting the business of their office, have created the most injurious delays, and excited a dissatisfaction which I believe is universal. Many vessels have been detained, not only at great daily expense, but to the serious injury of their voyages, for a simple clearance, that a few minutes' attention might have granted; and, in many cases, vessels have been three times the number of days that it would have required hours in the United States to obtain their clearances from the custom-house. The consequence is, that most of those persons who have left the port of late, have declared that they would give any other port the preference in future, and that the vexations are vastly greater than they ever experienced in any other country.

In making these unpleasant statements to your excellency, I am influenced by more extensive views than the mere remedy of individual suffering, however strong my desire for this may be. The size and the security of the noble bay of Callao, on a coast where nature has provided but few good ports, combined with a central situation, designate it as fitted to become the great commercial emporium of the western coast of America; and these advantages, when they are brought into activity by the safe and rapid communication which steamboats may hereafter afford, will inevitably make Lima the great centre of commerce on this coast, if the Government, by their regulations, develop these advantages; but, with the existing management of the custom-house, the impressions that are widely extending of the impediments in the way of commerce will deprive it of these advantages, and Valparaiso, though with an inferior port, will become a successful rival. Lima, then, instead of being the great dépôt and centre of commerce, will merely receive those cargoes necessary for its own consumption; and even these, subject to the obvious disadvantages of having its market controlled by the general mart of Valparaiso. The basis of the great prosperity to which the United States so rapidly rose from the depression in which they were left by the revolution, was laid in the facilities given to commerce by a liberal system, moderate duties, simplicity in the details, and the utmost expedition in the despatch of all custom-house business, and an abandonment of all the vexatious restrictions and impediments practised by the distant Government from which they were emancipated; and these were the most efficient means of that flourishing growth which the world has so much admired.

I trust that your excellency will do me the justice to appreciate the spirit with which I write this letter. Knowing how anxious this Government is to correct all abuses which come to its knowledge, and of the existence of those wise and liberal views whose prospective policy is destined to carry

Peru to a high state of advancement, I have felt less hesitation in requesting your attention to a subject which is not limited to the correction of momentary evils, but involves consequences of the most lasting and extensive importance.

I pray you to receive the assurances of the high respect with which I am

Your obedient servant,

W. TUDOR.

Don. J. M. DE PANDO, &c. &c.

(No. 4.)

*From the Minister of Foreign Affairs.*

REPUBLICA PERUANA,

*Palacio del Gobierno en la Capital de Lima, á 7 de Diciembre, 1826.*

El Ministro de Relaciones Exteriores del Peru, contestando á los varios puntos á que se contrae el señor consul general de los Estados Unidos de Norte America, en su atenta nota de ayer, tiene el honor de manifestarle que su Gobierno ha sometido á la discusion de personas inteligentes las observaciones que el señor consul hizo por conducto del suscripto relativas á la alza de derechos sobre los frutos que se importan de su pais; y que tan pronto como se adopte alguna deliberacion, se apresurará á comunicarsela.

El infrascripto puede asegurar al señor consul que su Gobierno se halla dispuesto á conceder á los buques balleneros que venden parte de su cargo excepcionandolos del derecho de tonelada y sugetandolos á satisfacer unicamente el de anclage peculiar de todo puesto, y que debe pagar toda embarcacion sea qualquiera el motivo de su arribada.

Al infrascripto le es sensible quanto al señor consul asienta con respecto á las vejaciones y demoras que parece sufren en el Callao los buques Norte Americanos contra las intenciones y ordenes de su Gobierno, quien ha mandado reiterarlas para impedir que los empleados de aduana se ausenten y estrecharlos á cumplir exactamente sus deberes. Empero el suscripto juzga que no pueden cortarse regularmente los abusos que existan mientras los reclamos se establezcan de un modo vago y generico; y por lo tanto invita al señor consul para que se tiene bien á descender á pormenores datos y hechos precisos se sirva transmitirlos; pues nada sera mas grato al suscripto que ocuparse en solicitar su remedio pues el señor consul no hace mas que justicia al Gobierno Peruano, creyendo sinceramente que desea ser justo para con todos, organizar la administracion de un modo liberal, y tratar con la mayor hospitalidad á los extranjeros.

El infrascripto reitera al señor consul sus consideraciones distinguidas.

J. M. DE PANDO.

SEÑOR CONSUL GENERAL

*De los Estados Unidos de Norte America.*

[TRANSLATION.]

(No. 46.)

*From the Minister of Foreign Affairs of Peru, to the Consul General of the United States of North America.*

PERUVIAN REPUBLIC,  
*Palace of the Government in the Capital City of Lima,*  
 December 7, 1826.

The Minister of Foreign Relations of Peru, replying on the various points to which the consul general of the United States of North America alludes in his polite note of yesterday's date, has the honor to state, that his Government has submitted to intelligent persons, for their discussion, the observation made by the consul, through the undersigned, relative to the increase of the duties upon productions imported from his country; and that, as soon as any determination has been adopted, it will be communicated to that gentleman.

The undersigned has it in his power to assure the consul that his Government is disposed to allow the whaling vessels to sell part of their cargo, freeing them from tonnage duties, and leaving them subject only to the payment of the harbor duties (*derecho de anclage*) peculiar to each port, which must be paid by every vessel from whatever country she may arrive.

The undersigned, as he assures the consul, regrets the vexations and delays experienced, as appears, by North American vessels at Callao, contrary to the intentions and orders of his Government, which has repeated those orders for preventing the persons employed in the custom-house from absenting themselves, and for obliging them to attend strictly to their duties. The undersigned, however, conceives that the existing abuses cannot be arrested so long as the complaints made respecting them are vague and general; he therefore invites the consul to be so kind as to descend to particulars, and to transmit to him precise details of the facts, as the undersigned will, with pleasure, occupy himself with their examination, in order to seek a remedy; for the consul does no more than justice to the Peruvian Government, in sincerely believing that it desires to act equitably towards all, to organize its administration in a liberal manner, and to treat strangers with the utmost hospitality.

The undersigned again assures the consul of his distinguished consideration.

J. M. DE PANDO.

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(No. 5.)

*To the Minister of Foreign Affairs.*

LIMA, December 9, 1826.

SIR: I have the honor to acknowledge the receipt of your excellency's letter of the 7th instant, which I have just received, and to express my hopes that the examination of the subject of the duties on the merchandise of the United States will result in those partial alterations which were suggested.

I have, also, to return my thanks for your excellency's assurance that the Government is disposed to grant the permission to the whaling vessels entering Callao for supplies to dispose of a small quantity of oil without being subject to the tonnage duty paid by merchant vessels. A general regulation will prevent the necessity of troubling the Government with particular applications for each vessel, for a business of such small moment. I shall be glad if the directions are issued to this effect, to receive notice of it, in order to communicate them to the agents of the United States in the ports of this coast.

I was fully satisfied, sir, when I made the complaint relative to the mode of transacting business in the custom-house, that the Government would be ready to give the abuses a prompt correction, as soon as brought to their knowledge. I must, however, decline, at present, giving the details which you naturally request, though I trust you will believe that I did not make the accusation rashly, or without being able to substantiate it. I was actuated by no private motive, and performed such a disagreeable task with reluctance, and only as an official duty. Should the evils continue, the same official duty will require my entering into details; and if the unfortunate necessity occurs, I shall not then shrink from it. But, it is not my wish to injure any individual, and really I feel some doubts, at present, as to the persons who are most to blame. To speak frankly, there seems to me a kind of tacit understanding to effect, if possible, the return of the custom-house to Lima, by disgusting the merchants and the Government with the plan of its establishment in Callao; and the merchants themselves, who find their trouble increased by the necessity of going to Callao, endure, for a time, all the evil of the delays they encounter, to wait the event. The masters and supercargoes of vessels, having no motive of this nature to restrain them, complain more openly. The individual merchants also decline having their names made use of, because they say it would make them obnoxious to the ill-will of the custom-house officers, which would be shown in thwarting all their business. It is unnecessary for me to enlarge on this subject. You will fully apprehend the case, and the wisdom of the Government will know what remedy will be most appropriate.

I avail myself of the occasion to offer you my sincere congratulations on this anniversary, so glorious to Peru, and memorable to the world at large, and I pray you to receive the assurances of the high respect with which

I am, your obedient servant,

W. TUDOR.

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(No. 6.)

*To the same.*

LIMA, December 21, 1826.

SIR: I have the honor to address your excellency, to request, if the order has been issued allowing whaling vessels to sell a limited quantity of oil without payment of the tonnage duty, which was mentioned in your letter of the 7th instant, that you would favor me with a copy of the same, to enable me to make its conditions known to the persons concerned in that busi-



ness. A double opportunity offers on Monday next of writing to the United States, and, if it is convenient to your excellency to give me an early reply, I shall be glad to avail myself of it.

I beg you to receive the assurances of the high respect with which

I am, your obedient servant,

W. TUDOR.

(No. 7.)

*To the same.*

LIMA, December 21, 1826.

SIR: Since closing my letter of this same date, the case of an American citizen detained in Callao has been made known to me, which I lose no time in making known to your excellency, with the confidence that a prompt redress will be given. It appears that Mr. Francis M. Drexel, whose card I enclose, a German by birth, but a citizen of the United States, who has exercised his profession of a portrait painter for nine years in Philadelphia, and is known as such to several Americans now in Lima, recently arrived in a vessel from Guayaquil. He was immediately apprehended by the general of marine; his baggage ransacked; all his papers taken away, his letters (some of them addressed to officers of the American navy, and others to merchants in this city) broken open and taken away; he, himself, stripped to the skin, his clothes cut open, &c. This harsh and violent treatment was founded on the suspicion of his being a spy. General Vivero told Mr. Prevost, that, although he had acted thus rigorously in consequence of orders he had received, he was convinced this unfortunate person is innocent. He, himself, says that he came to this country with the object of taking the portraits of some of its distinguished men; that he had painted the Libertador, and several others at Guayaquil; but that all his property has been taken from him.

I cannot doubt that the Government had sufficient grounds for suspicions of some emissary, which have fallen so hard on this unlucky, but, as it appears, innocent individual; and I have full confidence that his property will be at once restored, and he, himself, placed at liberty. I also request that your excellency would give orders that the letters addressed to the American houses should be given up to them.

I avail myself of the occasion to renew the assurances of the high respect with which I am,

Your obedient servant,

W. TUDOR.

(No. 8.)

*From the Minister of Foreign Affairs.*

PALACIO DEL GOBIERNO EN LA CAPITAL DE LIMA.

22 de Diciembre, 1826.

El infrascripto, Secretario del despacho de Relaciones Exteriores, tiene la honra de contestar a la nota que ha recibido hoy del Señor consul general de los Estados Unidos del norte, que hace tiempo que tenia noticia el Go-

bierno de que un retratista Aleman debia venir al Peru en calidad de emisario de algunos facciosos que se proponen turbar la tranquilidad del Peru. El comandante general de marina, gobernador de Callao, creyó sin duda reconocer en M. Drexel las señales que se le habian dado para que estuviése prevenido contra los siniestros designeos que se dirigen á un fin tan perverso; y esta creencia le indujó á los procedimientos que hace presentes el señor consul general. El Gobierno ha visto con sentimiento maltratado de un extranjero que no parece culpable; aunque se ha infringido las leyes del pais, trayendo cartas particulares, por cada una de las cuales deberia pagar quinientos pesos de multa. Se han dado las ordenes convenientes para que Drexel sea puesto en libertad, y para que sele restituya su dinero y efectos.

El que suscribe renueva al Señor Tudor la protesta de su distinguida consideracion.

J. M. DE PANDO.

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[TRANSLATION.]

(No. 8.)

*From the Minister of Foreign Affairs of Peru, to the Consul General of the United States of North America.*

PALACE OF THE GOVERNMENT, IN THE CAPITAL CITY OF LIMA,  
December 22, 1826.

The undersigned, Secretary of Foreign Relations, has the honor, in reply to the note which he has this day received from the consul general of the United States of North America, to state that the Government has, for some time past, been aware that a German portrait painter was on his way to Peru, as an emissary from some factious persons who are desirous to disturb the tranquillity of Peru. The commandant general of the marine, governor of Callao, doubtless had reasons for supposing that he had discovered about M. Drexel those marks which had been described to him as characterizing that individual, in order that he might be on his guard against the sinister designs of those perverse persons; and this supposition induced him to take those measures of which the consul general now complains. The Government has, with regret, seen a stranger maltreated, who does not seem to be culpable; although he has infringed the laws of the country, by bringing private letters, for each of which he is liable to a fine of five hundred dollars. The necessary orders have been given for setting Drexel at liberty, and for restoring to him his money and effects.

The undersigned renews to Mr. Tudor the assurances of his distinguished consideration.

J. M. DE PANDO.

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(No. 9.)

*From the same.*

PALACIO DEL GOBIERNO, DE LA CAPITAL DE LIMA,  
á 23 de Diciembre de 1826-7.

El Secretario de Estado del despacho de Relaciones Exteriores tiene la honra de remiter al señor consul general de los Estados Unidos del norte la

copia que se pidio de la orden dada por este Gobierno con respecto á los buques balleneros.

Ha hecho tambien el infrascripto la gestion conveniente para que se decida cuanto antes el asunto relativo a la baja de derechos de generos Norte Americanos ; y le apresuraré á comunicar la resolucion que recaiga al señor consul general tan luego como lo sea conocido.

Renueva el infrascripto al Señor Tudor las seguridades de su distinguida consideracion.

J. M. DE PANDO.

[Enclosed in the preceding.]

*Republica Peruana—Ministerio de Hacienda.—Seccion 4. Copia.*

LIMA, Diciembre 20 de 1826.

Resultando de las dos notas del comandante general de marina y Ministro de Relaciones Exteriores, que acompaña esta a el de la Guerra, que el aceyte de ballena, esperma, y otros pertrechos navales, son unos articulos de conocida utilidad para el consumo de la republica ; se permite á los buques balleneros que arriben al puerto del Callao, el que vendan previa exaccion de los respectivos derechos, la cantidad de dichos especies que sea suficiente á satisfacer sus ranchos, y rehabilitaciones, relevandoseles del pago del derecho de toneladas, mas no de anclage ; tomandose rason de este derecho en la contaduria general de valores, administracion general de la aduana, y comandancia general de marina ; y contestese una rubrica de S. E.

El Secretario de Hacienda,  
LARREA.

Es copia:

CANILLO.

(No. 9.)

[TRANSLATION.]

PALACE OF THE GOVERNMENT,  
*In the capital city of Lima, December 23, 1826.*

The Secretary of State for Foreign Relations has the honor to transmit to the consul general of the United States of the north, agreeably to his request, a copy of the order issued by this Government, respecting whaling vessels.

The undersigned has also taken the necessary measures for bringing about a prompt decision with regard to the diminution of duties on North American goods, and will hasten to communicate the resolution which may be taken in the affair to the consul general, as soon as it has been communicated.

The undersigned renews to Mr. Tudor the assurances of his most distinguished consideration.

J. M. DE PANDO.

To the CONSUL GENERAL.

*Of the United States of North America.*

[Order referred to in the preceding note.]

*Peruvian republic.—Department of the Treasury.—Section 4.*

LIMA, December 20, 1826.

As it results from the information given in the notes from the commandant general of the marine, and the Minister of Foreign Relations sent to this department by that of War, that whale oil, spermaceti, and other marine articles, (*pertrechos navales*), are of great utility as objects of consumption in the republic; permission is given to whaling vessels arriving at the port of Callao to sell, after paying the respective duties, the quantity of those articles which may be sufficient to cover their supplies of provisions and repairs, free from tonnage duties, but not from port duties; these duties being accounted for by the offices of the accountant general of values, the administrator general of the custom-house, and the commandant general of the marine.

Signed by his excellency the Secretary of the Treasury,

LARREA.

(No. 10.)

LIMA, December 28, 1826.

SIR: I had the honor to receive your excellency's note of the 23d instant, last evening, which by some mistake in the delivery, did not reach me sooner, and which has prevented an earlier acknowledgment.

The regulation which it encloses, signed by the Secretary of the Treasury Department, permitting whale-ships to sell small quantities of oil and naval stores, without paying the tonnage duties, I will communicate to my Government, that it may be known to those of my countrymen engaged in that business.

I pray you, sir, to receive the assurances of the high respect with which I am

Your obedient servant,  
W. TUDOR.

To the MINISTER OF FOREIGN AFFAIRS.

(No. 11.)

*From the Secretary of Foreign Affairs.**Secretaría de Estado del despacho de Relaciones Exteriores,*

PALACIO DEL GOBIERNO,  
á 3 de Enero de 1827-8.

El Secretario de Estado en el Departamento de Relaciones Exteriores de la republica Peruana tiene el honor de manifestar al señor consul general de los Estados Unidos de Norte America, que debiendo su Gobierno sostener la execucion de las varias prevenciones que establecen los artículos 3º y 4º del reglamento de comercio, ha resuelto que al momento del arribo

de los buques mercantes al puertó de Callao, el comandante general del resguardo militar se traslade á su bordo é intíme á los sobrecargos ó capitanes la obligacion que les cumple de presentar al administrador de aduana, en el perentorio termino de veinte cuatro horas, dos copias conformes del manifesto de los efectos que conduceran.

El infrascripto se persuade del fino discernimiento del senór consul que advertira, en la reiteracion de esta medida, el zelo que anima el Gobierno para ahorar dilaciones á los negociantes : y por lo tanto espera que el senór consul se apresurará á transmitirla a sus compatriotas, encargandoles la exactitud con que deben observarla; pues no se permitira descargar á los infractores.

El infrascripto renueva al senór consul, con este motivo, sus consideraciones distinguidas.

J. M. DE PANDO.

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[TRANSLATION.]

(No. 11.)

PALACE OF THE GOVERNMENT,  
*Department of Foreign Relations, Lima, January 3, 1827.*

The Secretary of State for Foreign Relations of the Peruvian republic has the honor to state to the consul general of the United States of North America, that his Government, being about to maintain the execution of the various provisions made by the 3d and 4th articles of the regulation of commerce, has resolved that, at the moment of the arrival of merchant vessels at the port of Callao, the commandant general of the military guard shall go on board and intimate to the supercargoes or captains the necessity of presenting to the administrator of the custom-house, within 24 hours precisely, two exactly similar copies of the manifest of the goods which they bring.

The undersigned is convinced of the discernment of the consul, and that he will see, by the repetition of this measure, how anxious the Government is to remove all causes of delay in commerce; and he hopes that the consul will therefore hasten to transmit the information to his countrymen, recommending to them the exact observance of what is enjoined, as those who neglect to comply will not be allowed to unload.

The undersigned repeats to the consul the assurance of his distinguished consideration.

J. M. DE PANDO.

To the CONSUL, &c.

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(No. 12.)

*Answer to the preceding.*

LIMA, *January 5, 1827.*

SIR: I had the honor to receive, last evening, your excellency's note of the 3d instant, respecting the requisition that will, in future, be made to the

custom-house of two copies of the manifests of cargoes arriving in the port of Callao; and I will take all the steps in my power to make the regulation known to the merchants of my country, as early and as extensively as possible.

I renew the assurances of the high respect with which I am  
Your obedient servant,

W. TUDOR

(No. 13.)

*From the Secretary of Foreign Affairs.*

*Secretaría de Estado del despacho de Relaciones Exteriores,*  
PALACIO DEL GOBIERNO,  
á 6 de Enero de 1827-8.

El abajo firmado, Secretario de Estado en el Departamento de Relaciones Exteriores de la republica Peruana, tiene la honra de contestar á las observaciones que el senór consul general de los Estados Unidos de Norte America se sirvió transmitirle relativamente á la alza de derechos con que se han gravado los productos de su nacion; que examinadas y disciertas seriamente por una junta particular de empleados de Hacienda y negociantes inteligentes, se resolvió que subsistaen su vigor el articulo decimo nono del reglamento de comercio, contra el cual reclama principalmente el senór consul, respeto á su modificacion influina en la ruina total de las fabricas Peruanas que han sufrido perjuicios incalculables a virtud de las excesivas ventajas con que concurnan las estrangeras en el mereado. Cediendo el Gobierno del suscripto á las irrefragables razones que sostienen el dictamen de la junta; y deseundo al mismo tiempo proceder con la mayor imparcialidad en sus deliberaciones, ya que no le ha sido posible acceder á la demanda del senór consul en los terminos propuestos, le ha favorecido indirectamente gravando con igualdad á los efectos toseos de Europa, Asia, y Estados Unidos, no solamente por favorecer á los Peruanos, sino por manifestar á las dos naciones que los manufacturan, que se ha dirigido, en este delicado asunto, conforme a los principios de la justicia distributiva para decidir sin preferencia.

El infrascripto incluye al senór consul copia del decreto supremo que marca esta disposicion, asegurandole sus consideraciones distinguidas.

J. M. DE PANDO.

[Copy of the decree included in the preceding.]

*Republica Peruana.—Don Andres Santa Cruz, Gran Mariscal, Presidente del Consejo de Gobierno de la República del Peru, &c.*

Teniendo en consideracion: 1. Que al dictar el Gobierno, el gravamen del 80 por ciento impuesto en la importacion estranjerá á las especies contenidas en el articulo 19 del reglamento de comercio de 6 de Junio del año anterior, no se propuso otro objeto que consultar el progreso de la agricultura é industria del Estado;

2. Que ademas de las telas blanqueadas y sin blanquear denominadas

*tucuyos* procedentes de Norte America comprendidas en dicho articulo, se introducen igualmente en el territorio de la republica, sanas, bufetas, madapolanes, y otros generos equivalentes originarios de las naciones Asiaticas é Inglesa, contra el espiritu de la citada resolucion dirigida á la proteccion de las manufacturas del pais :

*He venido en decretar, vido el Consejo de Gobierno—*

1. Que subsista sin innovacion alguna el expresado recargo del 80 por ciento á que se contrae el articulo 19 del reglamento, con respecto á todas las mercaderias que en el se designan.

2. Que con el mismo 80 por ciento sean gravadas las sanas, bufetas, madapolanes, y otros efectos que por su calidad y clase son comparables con los *tucuyos* de Norte America, emperanda á rejir esta disposicion á los ocho meses despues de publicada.

3. El Secretario de Estado del despacho de Hacienda que da encargado de la execucion de este decreto. Imprimase, publíquese, y circúlese.

Dado en el palacio del Supremo Gobierno, en Lima, á cuatro de Enero de mil ochocientos veinte y siete.

ANDRES SANTA CRUZ.

El Secretario de Hacienda,

JOSE DE LARREA Y LOREDO.

Es copia :

J. M. DE PANDO.

[TRANSLATION.]

(No. 13.)

*Department of State for Foreign Relations,*

PALACE OF THE GOVERNMENT, *January 6, 1827.*

The undersigned, Secretary of State for Foreign Relations of the Peruvian republic, has the honor to reply to the observations sent to him by the consul general of the United States relative to the increase of duties on the productions of his country ; which observations having been seriously examined and discussed by a special board of persons employed in the finances, and intelligent merchants, it was resolved that the 19th article of the commercial regulation, against which the consul chiefly protests, should remain in force, as its modification would occasion the entire ruin of the Peruvian manufactures, which have suffered incalculable damages from the excessive advantages allowed to strangers in the market. The Government of the undersigned. (yielding to the irrefragable reasons which support the opinion of the board, and desiring, at the same time, to proceed with the utmost impartiality in its deliberations,) as it cannot accede to the demand in the terms proposed by him, has favored them indirectly by laying the same duties on the coarse goods of Europe, Asia, and the United States, not only for the purpose of protecting the Peruvians, but also to show to both nations which manufacture them that it has been induced, by the principles of distributive justice, to decide without any preference in this delicate affair.

The undersigned encloses to the consul a copy of the supreme decree setting forth this disposition, and assures him of his distinguished consideration.

J. M. DE PANDO.

DECREE.

*Peruvian Republic.*—Don Andres Santa Cruz, Grand Marshal, President of the Council of Government of the republic of Peru, &c.

Taking into consideration,

1. That the Government, in placing a duty of 80 per cent. on the importation from foreign countries of the goods enumerated in the 19th article of the commercial regulation of the 6th of June last, had no other object in view than to promote the advancement of the agriculture and industry of the State;

2. That, besides the bleached and unbleached cloths denominated *tucuyos*, coming from North America, which are comprehended in the said article, there have been likewise introduced into the territory of the republic various goods made by the English and the Asiatic nations, known under the names of *lanas*, *bufetas*, *madapolanes*, and others, contrary to the spirit of the said resolution, intended for the protection of the manufactures of the country;

*The Council of Government has decreed—*

1. That the aforesaid duty of 80 per cent., to which the 19th article of the regulation refers, shall continue, without alteration, to apply to all goods designated in that article.

2. That the same duty of 80 per cent. shall be laid on all *lanas*, *bufetas*, *madapolanes*, and other articles similar in quality and sort to the *tucuyos* of North America, after eight months from the publication of this decree.

3. The Secretary of State for the Treasury is charged with the execution of this decree.

Let it be printed, published, and circulated.

Given in the palace of the Supreme Government, at Lima, on the 4th of January, 1827.

ANDRES SANTA CRUZ.

The Secretary of the Treasury,

JOSE DE LARREA Y LOREDO.

A true copy :

J. M. DE PANDO.

To the Consul of the United States.

(No. 14.)

*To the Secretary of Foreign Affairs.*

LIMA, January 6, 1827.

SIR: I lose no time to acknowledge the receipt of your excellency's letter of this same date, enclosing a copy of the decree equalizing the duty on plain cotton goods, which, under different appellations, are substantially rivals of each other and of the cotton fabrics of Peru. In this measure,



the Government of this republic have taken a step which was indispensable to promote the object of protecting the manufactures of Peru; and at the same time, by placing all foreign fabrics on the same level, have removed all right of complaint on the part of foreign nations, by this impartial proceeding.

I renew to your excellency the assurance of the high respect with which I am,

Your obedient servant,

W. TUDOR.

No. 49.

*Mr. Tudor to Mr. Clay.*

LIMA, January 8, 1827.

SIR: Referring to the enclosed letters and copies for information on the topics to which they relate, I have now the honor to add a few confidential remarks on the political state of things here.

All eyes are turned towards the north, to see the result of Bolivar's return to Bogota. General Santander wrote by the last post to General Lara saying that the meeting with Bolivar would be the most trying day of his life. If the administration in Colombia be not overwhelmed by the first vehemence of the usurper—if they can maintain their principles with firmness for only a few days, his attempts against the constitution of his own country must be abandoned, and they will then be ended here of course. The rumors and appearances of some change are becoming every day more prevalent; the discontent among the Colombian troops, both here and in Upper Peru, is constantly increasing; and it is said that General Sucre has written here to say that he can no longer contain the troops, and that a part of them must be sent home.

Several of the Colombian officers recently made a proposition to a friend of General La Mar to make a declaration in his favor; but this was discouraged, as it was well known that La Mar would never give a moment's countenance to any intrigue or faction, although he would come forward to take the presidency of the republic, if deliberately called upon by the unbiassed voice of the country. I have heard from him lately, and am rejoiced to find that his health and spirits are improved. It is a characteristic anecdote, that when he called on General Bolivar on his passage through Guayaquil, the latter asked him what he should do with Paez. "March against him and shoot him," was the answer; significant enough to the person who was the author of all his movements.

I hazard it as a mere conjecture, that, within a short period, especially if the news from Colombia continue in the same tone, Santa Cruz will order the assembling of Congress, and may, perhaps, obtain the election of president; though I think, and hope, for the prosperity of Peru, that La Mar will, at no distant period, be called upon to preside over it.

A decree has just been published, permitting the liberty of the press; the regulations are long and minute, and, from a hasty glance at them, it struck me as very nearly resembling the liberty of writing which *Figaro* describes in his famous soliloquy. However, it may give an opening to

something like the expression of opinion, which, ever since the domination of the Libertador, has been annihilated.

The Brandywine is expected here by the first of next month. I presume Mr. Cooley will come in her ; and no one is more anxious than myself to put an end to the long course of volunteering which I have so many reasons for wishing to see terminated.

I have the honor to be,  
With the highest respect,  
Your obedient servant,  
W. TUDOR.

Hon. HENRY CLAY,  
*Secretary of State.*

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No. 50.

*Mr. Tudor to Mr. Clay.*

LIMA, January 15, 1827.

SIR : I have the honor to enclose the report of vessels for the term ending December 31, 1826, being No. 6. Our trade has greatly decreased with this place, which is not so much shown in this report as it will be in the next, unless some change takes place. There are now only three American vessels in Callao, and a year ago there were thirty. This decline is partly owing to the renewed production of wheat in Chili, and other articles of provision being brought from thence and from Chiloe : and to the restoration of the estates, that produce lard, &c., in Peru. It is, also, in part, owing to the high duties, now about taking effect, that are laid on most articles of our produce, and of which I have treated much at large in previous letters.

The general result of the trade for the year has certainly been to leave our merchants a fair profit ; though the variable state of this market may have occasioned some losing voyages. The article of flour, for example, has varied from \$8 to \$18 on board, and is at present \$15 ; leaving either a small loss or a considerable gain, as these higher or lower prices have predominated. Considerable quantities of furniture, especially chairs, have been brought, and the chairs have given a good profit. The article of cotton cloths has also been considerable, and always paid a freight, and sometimes more. Two hundred bales, which have recently arrived, having just come in time to escape the high duty, and yet profit by the rise it occasions, will sell well. A considerable amount of China goods which have also been brought in American vessels, have paid large profits. The English trade has also diminished during the year, owing to their having overstocked the market ; that of the French has rather increased.

I have made Mr. Samuel B. Harrison, of Philadelphia, who has recently come to Peru to establish himself as a merchant in Bolivar, (Truxillo) vice-consul for that city and its ports ; and this Government has given its exequatur to the commission. This is the first opportunity I have had of naming an agent there, by having a respectable fellow-citizen resident in that place. I told Mr. Harrison that, as I had long since resigned my office, his tenure, so far as it depended on me, would be very brief ; but

advised him to get his friends to solicit the appointment for him from the President.

I enclose duplicate copies of the letters from the Secretary of Foreign Affairs, respecting the regulation in favor of whalers, and that for equalizing the high duties on all foreign cottons. My letter No. 49 was sent with the preceding, under cover to Mr. Poinsett, as it contained little else than political conjectures. I do not send a copy by this opportunity, as the vessel will probably be long on her passage, having to stop at one or two ports: and as to the political affairs here, they are, for the moment, dependent on movements in Colombia, whose result will be known to you before they are here.

By a recent regulation of this Government, communicated to me by the Secretary of Foreign Affairs, all vessels entering the port of Callao in future, will be required to furnish the officer of the port two copies of their manifests, within twenty-four hours after their arrival, on penalty of being excluded from discharging.

I was informed by the director of the mint, at the close of last year, that they had received 200 bars (containing 200 marcs each, issued in coin at \$11 the marc) from Pasco alone, in the course of the year. I think it will not be too much to estimate the gold and silver coined at the Lima mint during the year 1826, at two millions of dollars, and the larger part of this amount within the last six months. The produce the present year will probably be double. The mint of Cuzco does but little, but I have no accurate information respecting it.

I enclose a number of the *Peruano*—the last; because it contains some notes to an article from a French paper, which are interesting, as touching some important points in the political situation of South America; and because they are undoubtedly the production of Mr. Pando, the Secretary of Foreign Affairs.

A French frigate, corvette brig, and armed store-ship, are all the foreign vessels of war in Callao bay.

I have the honor to be,  
With the highest respect,  
Your obedient servant,  
W. TUDOR.

Hon. HENRY CLAY,  
*Secretary of State.*

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No. 51.

[EXTRACTS.]

*Mr. Tudor to Mr. Clay.*

LIMA, February 3, 1827.

SIR: If my letters, written during the last two months, should have reached you, the events which I have now the honor to communicate will not be unexpected.

On the 26th ultimo, the people of Lima were surprised to find that the Colombian troops now here had occupied the great square at daylight, and

sentries at all the corners prevented every one from entering it. There was the most perfect tranquillity and order, which has, indeed, been uninterrupted, and on that day only the shops were shut and business suspended. It was soon known that a majority of the officers (the senior of whom, and present commander of the troops, is Lieutenant Colonel Bustamante) had arrested their two generals, Lara and Sands, and five colonels; and so completely was the business executed; that they were all arrested in their beds without opposition; and, hitherto, this revolution has not cost a drop of blood, as a part of the castles of Callao had been occupied the evening before, to receive the prisoners. At 10 o'clock these officers, and a few others of subaltern rank, were sent prisoners to the castles; and the troops were then marched to their respective quarters.

General Santa Cruz, with the ministers Lanea and Heres, had been for a fortnight preceding at Chorillos, for the purpose of sea-bathing and amusement. Mr. Pando, Minister of Foreign Affairs, alone remained in the city; and, early in the morning, having been refused by the sentries leave to pass to the palace, immediately went to Chorillos. The archbishop elect, a servile adherent of General Bolivar, in great alarm, took the same direction.

Early in the morning, the Colombian commander, Bustamante, sent a message to General Santa Cruz to request him to return to Lima, and take care of the public security; that the steps they had taken concerned only themselves and their country; that they had been obliged by their officers to swear to the Bolivian constitution, which they abjured; and that they had been compelled, by their duty to their country, and fidelity to its constitution, to arrest their chiefs, who would be immediately sent home, and that they should wait the orders of their Government; that they would not be made the instruments of enslaving Peru; that they declined, absolutely, all interference with its government, but they would lend their aid, at all times, to preserve the public tranquillity.

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You will immediately suppose that this movement was made in concert with some of the principal Peruvian patriots, who took their measures in consequence, though with an apathy characteristic of this timid people. But on Saturday, the 27th, an open *cabildo* was held, to which the entry was free to all the citizens. It was one of the monstrous acts of arbitrary power, that all the municipalities were silently extinguished by the constitution of Bolivar. The *cabildo* being re-assembled, considered themselves the representatives of the people, and passed certain resolutions inviting Santa Cruz to come to Lima and act as President *interino* of the republic, till a constituent Congress, with full powers, could be called; that the intrusive constitution should be abolished; the former constitution in force; that a proclamation, calling a Congress, should be immediately made; and that he should appoint his own ministers, dismissing, however, the present ones. He tacitly accepted these conditions, came to Lima about two o'clock, and the next day Vidaurre was appointed minister in place of Pando, and Salazar in place of Heres, who fled in a canoe from Chorillos to the French brig of war in Callao bay. Lanea continues Minister of Finance, but for a few days only.

On the 30th, the arrested Colombian officers sailed with a guard of three officers and forty men, for St. Buena Ventura, on their way to Bogota. Till the 31st, Santa Cruz was still under the influence of his former advisers, and still secretly conceiving plans of escape. But when he dis-

covered, confidentially, to one of the generals, that he thought of going to put himself at the head of the Peruvian troops under Cerdeña, at Jauja, they told him frankly that he knew nothing of his situation ; that those troops were, in fact, acting in favor of their country ; and that he must follow the public voice, and not stir from Lima, or he would be ruined. He then determined to act in harmony with the public feelings, and to appoint new chiefs for the troops which are on the march for the capital. Their arrival is looked for with some anxiety, as the discipline of the Colombian troops, already relaxed by their long and idle residence in this city, has been, inevitably, very considerably impaired by the recent transactions. They have been marched to various villages around the city, and their officers are incessantly engaged in restoring subordination. Indeed, the conduct of these Colombian officers, whatever may be the result to them of the momentous responsibility they have incurred, has been induced by the noblest principles of patriotism and fidelity to their country ; and the address and vigor with which they have acted are admirable.

Among the papers of Lara, they found many most interesting letters from Bolivar, Sucre, and other generals ; and which throw very considerable light on the designs of the former, and will be a powerful aid to Santander in his efforts to preserve the constitution of Colombia against the deep and treacherous designs of the usurper. By the letters of Sucre, it appears that his situation was nearly desperate, and that he could with the greatest difficulty restrain the troops ; and, in the opinion of the best informed persons, the moment he hears of these events, he must at once march his army to the Intermedios, and embark for Colombia. Those who are acquainted with his army say he will be forced to do this, not only by the discontent of his troops, but by the superior officers, who, in his army, are all liberals.

There is another set of documents of the most interesting description, respecting which there is much anxiety, and every precaution has been taken to get possession of them, and the knowledge of whose existence hastened not a little these movements. Lara, the late commander-in-chief of the Colombian troops, is a brave soldier, but an ignorant, stupid man, with few ideas above those of a sergeant, and fitted to obey blindly all Bolivar's orders, and, at the same time, disgusted with the arduous situation in which he found himself. By the last mail from Bogota, which arrived on the 20th ultimo, he received a letter from General Salom, who wrote him, by order of Bolivar, that, in a few days, an officer would be sent with despatches ; that the directions from the Government he must disregard, but comply immediately and exactly with the orders he would receive from Bolivar himself, who would write confidentially, by the same opportunity, to Santa Cruz and to Sucre. Lara had the indiscretion to mention this information to a general of patriot principles. These alarming and mysterious hints made it necessary to lose no time in executing the recent measures. If these despatches can be obtained, they must unmask Bolivar beyond the possibility of further deception, master as he is of that art.

At present, he appears to be attempting to deceive the Government at Bogota ; where, in answer to our chargé d'affaires, he has held the same language which he used to me and other Americans two years ago ; but which has been for some time abandoned, as, for many months past, Napoleon has been openly and exclusively admired, and taken as a model for imitation. He wrote to Lara that he should, after pacifying Venezuela,

retire to his hacienda, from which "nobody, nobody, nobody should withdraw him." Some persons think he will remain at home till his agents can so far distract the provinces as to oblige them, in desperation, to give him the dictatorship. Others say that he will return here from the isthmus, to enter upon his empire, which, with the two Perus, Guayaquil, and Quito, completes Dr. Unanue's plan of giving him the ancient limits of the Incas; and that he will leave his agents to drive Colombia into joining him. With respect to the precise form and extent of his meditated empire, it is, of course, difficult to get exact information; but it is said that confidential revelations, partly from him, and partly from his secretary, General Perez to one of the ministers in Panama, gave the following general outline: North America to be occupied by two great republics—the United States and Mexico; and South America by two great empires, for which Guatemala, Colombia, the two Perus, Chili, and Buenos Ayres, would constitute one for Bolivar; the other formed by the Brazils.

The events that have taken place here, the past week, will shatter this extravagant project to pieces. The army here is lost to him; Sucre, to preserve his division, must evacuate; and when the provinces of Upper Peru are left to themselves, the name and constitution will be annulled. Buenos Ayres will be relieved from her most dangerous enemy, whose intrigues were distracting her provinces and councils, and making preparations to carry on open war, for which purpose three thousand muskets and five hundred g'ls. of powder were sent from hence a few weeks since. The Emperor of the Brazils, having lost his secret ally, will now be more willing to make peace. In short, all the States of South America have escaped from the projects of a wild, unprincipled ambition, whose professed plan was that of a military despotism; which, at the utmost, would have only lasted during the life of its projector, and have involved them in a long series of disasters.

A proclamation has been issued for assembling a Congress the first of May. Dr. Luna Pizarro has been recalled; and I forwarded to him, to-day, the decrees and letters for his return. I have urged his immediate coming: he is the most enlightened, the most liberal, the purest of the Peruvian patriots, and the most versed in all constitutional matters; all look up to him as a directing mind. La Mar, also, with whom he is in the strictest friendship, will, without doubt, be elected to the presidency; and, under the direction of these two men, Peru may hope for prosperity and happiness, and the adjoining States for honest neighbors.

The hope that Bolivar's schemes are now effectually destroyed is a most consoling one; nor is it alone a matter of felicitation, as regards South America, rescued from a military despotism, and projects of insatiable ambition, that would have consumed all their resources; but the United States, too, are relieved from a future dangerous enemy. I have taken considerable pains to study the character and views of Bolivar, and have had some advantage for this purpose; and, had he succeeded, I am persuaded we should have felt his animosity: if asked, in what manner, I should answer with a few brief allusions.

His character is ardent, vehement, arrogant; his passions uncontrollable, and restrained by no principle, public or private; and with frequent sallies of frankness, or rather indiscretion, he is capable of the most profane, solemn hypocrisy: he considers words as conveying no obligation, but wholly subordinate, in whatever shape of profession, to promoting his de-

signs. The decree against Spanish merchandise, (of which you and the English Government so justly complained,) is an instance of his despotic arrogance: that was dictated from Cuzco, as one of more celebrity from Milan; and though the bearing of the former was not quite so extensive as that of the latter, the spirit of both was the same. This was issued without any regard to the laws or rights of nations, and was sent to the Abbé de Pradt, to discourse upon, in the same pamphlet with the Congress of Panama. For a time it was his object to flatter us, and hold up our institutions and patriots as models; but his sinister abandonment of both engenders a natural hatred to objects which are a perpetual reproach to him; and his irascible disposition is one to seek revenge itself for the double humiliation which his own hollow professions, and the sarcasms of the world, will entail upon him. Consider, then, that his chief reliance to redeem himself with the liberal party in the world, is his hatred, his proscription of slavery; read his inflammatory tirade against it, in the preface to his non-descript constitution; take into mind that the losses and ruin consequent on emancipation have taken place, and that the system is irretrievable in these countries; bear in mind that his soldiers, and many of his officers, are of African mixture, and that they, and all others of that class, will hereafter have a natural feeling against all who make this a plea for degradation; look at Hayti now, and at Cuba (inevitably) a short time hence, and at the infallible success of the English abolitionists; calculate the census of our slaves in 1830; observe the confines of black triumphant liberty, and of black sullen slavery, and how many days or hours' sail they are from each other; reflect that every age has its spirit as strongly marked as the current of a river, and that moral gravitation, in our times, is as irresistible as physical; and that, if in one period it was the crusades, and in another discovery, in ours it is the assertion of personal rights, and the abrogation of slavery; and, further, that, from various motives, very opposite parties in Europe will gladly see "this question tried in our country;" and then, without adducing further motives, judge whether the "madman" of Colombia could and would have annoyed us. Alas! sir, this is a subject whose dangers are not limited to fears of him, but which it is not my business to dwell upon.

I have been agreeably interrupted, in this last paragraph, by a long visit from General Otero: he has told me that the Peruvian troops will reach here on the 5th; and that he is named to command one division, and Aparicio the other. \* \* \* \*

One fortunate circumstance arises from these events—a greater dislike of a standing army; as even those who made use of it see themselves at the mercy of its caprice. I had the pleasure to hear General Aparicio say, "We have no need of any army, and the first thing we have to do is to burn all our uniforms. The army is now 11,000 men; probably the Congress will reduce these to 2,000. They will then be able to pay the interest of their foreign debt, and gradually recover their credit, and relieve their finances."

A circumstance which has occurred, after writing thus far, has induced me to increase this already long letter. In having written so much, at different times, on the operations of General Bolivar, my object has been to put the Government in possession of all the knowledge I could obtain of his views, as the part he fills is of such great moment in the affairs of South America. At the same time, my opinions may appear the result of prejudice or exaggeration; and, to prevent any possibility of their misleading, I

am bound to state that they are very different from those of many persons who ought to be well informed.

Having seen General Santa Cruz but once since the late events, I called on him to-day, and he invited me to dine without ceremony. I had a long conversation with him alone—chiefly on two points. Wishing to have him as fully with the patriot party, I observed to him, that I thought, in the peculiar situation in which the Government found itself, that he was very fortunate in not being committed to any party; that, having been called here suddenly from the interior, to administer the Government, he could not be responsible for a system that had been devised and put in train before he was consulted; that, by his position, he was only obliged to maintain the public tranquillity, and, therefore, when it was proved by recent events that this could only be preserved by following the wishes of the nation, he was compelled to pursue it, and that this opinion was shown the very moment that force was removed; and when the manner was considered in which the Bolivian constitution was adopted, and which was notorious to the whole country, it was only surprising how any persons of reflection could suppose, in the present state of the world, that such a system could be lasting. He seemed pleased at the idea that he could not be considered as committed to the administration of General Bolivar; and said, that when the public voice called for a revision of the affairs relating to the constitution, he could not act otherwise than summon a Congress to decide.

I afterwards, with proper reserve, touched on the plans of General Bolivar. I observed, however magnificent and liberal his views might be, that their extension rendered them impracticable; and, however attended with partial success, it was impossible such a vast empire could be made permanent, and, therefore, that it would prolong the troubles and unsettled state of these countries; but I feared his character was so ardent, and his plans had been so long in preparation, that he would be unwilling to abandon them. He replied, that I was entirely in error; that he knew General Bolivar thoroughly; that he was only anxious to get rid of all command, and retire to private life; and that he was now employing himself in Colombia, in trying to settle its troubles, and in preparing a defence of himself against the attacks that were made upon him; and that he would either live wholly secluded on his estate, or go to travel in Europe. Similar opinions, also, are expressed by Pando. Six months ago he told Luna Pizarro, with all the warmth of the most honest zeal and conviction, that Bolivar was the most extraordinary man that ever lived; that he had no ambition to command, and that he was only anxious to retire to private life, &c. After the last mail came in from Bogota, he said Bolivar would not come back to Peru, and he offered his resignation. It must here be remarked, that this show of resigning is practised occasionally by Bolivar, and imitated by all his adherents. Mr. Pando knew that his resignation neither could nor would be accepted; but, when within a week it was unexpectedly insisted upon by the public voice, he made every effort against it. Still this doctrine respecting Bolivar, which he always inculcates, is, that he is wholly disinterested, and without any ambition to command. *Credat Judæus Apella, non ego.*

Not only Santa Cruz and Pando, but many liberal Colombians, who are the personal friends of Bolivar, but opposed to his projects, think that on his arrival at Bogota he entirely renounced all further idea of introducing his constitution, and that all the steps he has taken in Peru were only for



have the pleasure of refusing the crown—a supposition that it seems to me would make his conduct more odious than even sincerity and perseverance in his ambition.

But, without referring to any thing that has taken place in either of the Perus, how can this moderation be reconciled with the creation of the dictatorship in Guayaquil, which was produced shortly after the arrival of Admiral Illingrot, and two or three officers who were sent from hence, and, as it was said at the time, to produce this very effect? How happened it that the same result was produced in Quito, though with much greater difficulty; and that his confidential secretary (General Perez) was left behind, in his late journey, as Governor, to secure the doubtful state of that province? Paez, too, in Venezuela, though apparently acting with those who were in favor of a federal system, yet secretly sent an officer here to insist on Bolivar's accepting the crown, which he refused with affected anger, as he did the same offer (as I was assured by General Perez) a long while before; because, in both cases, he would not have his plans anticipated or defeated by premature disclosure.

Again: the "act" of Carthagená in favor of the dictatorship took place soon after the arrival of Col. Gusman, who is said by the papers of Bogota to have been the cause of it; and this officer was sent from hence by Gen. Bolivar. In connexion with this individual it may be remarked, that two pamphlets were published here last year, in favor of the Bolivian constitution, and filled with praise of its author: one of these bore the name of Mr. Laso, a member of the Congress, who espoused Bolivar's views; and the other under the name of Col. Gusman. But as a very sensible Colombian, who was a joint agent with Bolivar in London, at the commencement of the revolution, remarked, it was a very singular coincidence, that not only the ideas, but entire phrases, were employed, such as Bolivar was in the habit of uttering at that time. It was in Paris, under the consulate of Napoleon, that he formed his first political views, and they stimulated the heroic constancy he has shown in the revolution; and his plans are neither the progeny of recent success, nor the suggestions of Monteagudo, Pando, or any other person to whom they are at random attributed; they are all his own, conceived years ago, concealed as long as possible, while they were secretly pursued with eager enthusiasm.

The pamphlet above mentioned, which bore the initials of Gusman, was dedicated to the Abbé de Pradt, in which dedication Bolivar was compared to the sun and the Abbé to the moon: and while the former was animating every thing on this continent, the latter, with his reflected light, must illuminate the other; and he was called upon to expound the Bolivian constitution. Nothing has yet appeared on the subject, which may perhaps be owing to the unwillingness of the Abbé to act as a mercenary, or at least to be known to do so. Gen. Bolivar revealed the circumstance that he had sent De Pradt \$3,000, which was to be remitted annually. A very respectable French gentleman, belonging to the liberal party, intimate in the circle with which the Abbé associates, and who brought a letter of introduction from him to Bolivar, expressed his surprise on this subject, and wrote to his friends in Paris what was said. He has yet received no answer, but it may be conjectured the Abbé de Pradt, who is in easy circumstances, will decline all further agency.

One more anecdote on these subjects I may offer, which I had from a very respectable individual who received it from the hearer in Guayaquil.

In 1822, Gen. Bolívar declared to one individual, in the presence of Colonel ——— “that in 1810 and 1811 he was acting from pure patriotism; but seeing how fickle and ungrateful mankind were, he had made up his mind thenceforward to act for himself.” The speech is characteristic, but may be received with the hesitation natural to all similar relations, though verified by the event.

I make no apology for this long letter, as it will be only a repetition of what I have before had the honor to remark. I hear nothing of Mr. Cooley, but I trust his early arrival will enable you to receive more able and satisfactory communication, and relieve me from volunteer services, which, however willingly rendered, have been performed under the most discouraging circumstances.

I have the honor to be, with the highest respect,

Your obedient servant,

W. TUDOR.

HON. HENRY CLAY,  
*Secretary of State.*

P. S.—This letter goes under cover to Mr. Poinsett, to whom I have sent some late gazettes, begging him to forward them after perusal.

The Dolphin is daily expected here from Valparaiso, *via* Coquimbo, and the Brandywine, from the same port, *via* the Intermedios. The *Pencost* has not yet returned from her cruise. The English frigate *Blanche* and a French brig are in the bay of Callao.

*February 6.*—I have broken the cover to say that I am just informed by Admiral Guise that letters have arrived from Upper Peru, and that a similar revolution to the one here had occurred among the Colombian troops there. To-day the Peruvian troops entered the city, about 1,200. The city is to be illuminated, &c.

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No. 52.

*Mr. Tudor to Mr. Clay.*

LIMA, *February 21, 1827.*

SIR: My last letter, under date of 3d instant, having been forwarded by a safe conveyance to Mr. Poinsett, I do not send a copy of it, more especially as information of the late changes here, which it contained, will reach you before this letter can arrive. I have now only to relate the few subsequent events that have happened.

Accounts are successively coming in from the provinces, and hitherto the news of the late events have been received everywhere with rejoicing: such was the case at Truxillo, Ica, Guamanga, &c. The returns from Arequipa and Cuzco have not been received; but the result will no doubt be the same in all the departments; and in Arequipa, particularly, it is anticipated the revolution will be seconded with enthusiasm.

In Guamanga, capital of the department of Ayacucho, the prefect Pando de Zela (a Spaniard) attempted to conceal the news on the arrival of the courier, but the officers of a Peruvian battalion having also received ad

vices, put themselves at the head of the troops, and arrested the prefect, whose life they thereby saved, and sent him prisoner to Lima. An open cabildo of the citizens was held, and all joined in declaring the Bolivian constitution void, and proclaimed the constitution of Peru. It is said that there were no opposers to these measures, except the prefect and two others.

In Lima several small pamphlets, and one or two newspapers, have made their appearance. There seems, as yet, to be a kind of reserve in attacking General Bolivar directly, arising partly from respect, partly from fear, and partly from the presence of the Colombian troops; those officers taking the tone of Bogota, and speaking of him in high terms, while denouncing his measures; and while all his plans are reprobated and abjured, the opposition is directed against his agents, and especially against Mr. Pando, who discovered the utmost boldness and talent in justifying himself for the part he has taken. The electoral college has been chosen, and this will soon proceed to the choice of deputies to the Congress. Orders have been issued to all the prefects to expedite the elections as much as possible, leaving them, however, entirely free. But it is doubted, owing to the great distances and difficult communication, whether the Congress will be assembled so early as the period fixed, (the 1st of May,) and it may be June before their session is opened.

It is calculated that it will yet be three weeks before advices can be received from Bolivia of the steps that will be taken there: but it is commonly believed the Columbian troops will be eager to follow the steps of their companions here; and will be prepared, by previous concert, to adopt the same measures. The main body of that force is at La Paz, and it is thought that General Sucre, who is at Chuquisaca, will receive, by the same courier that takes the news from here, the account that his troops have already joined in the measure. In this case, he will probably make immediate preparations to march with his army to the ports of the Intermedios; and he has long been prepared for such an alternative, as appears by his letters found among the papers of General Lara.

In the mean time, the pertinacity in the system of deception, which General Bolivar and his ministers have maintained, becomes almost ludicrous. From the beginning, the professions were to be the direct opposite of actions: the utmost disinterestedness, a horror of holding arbitrary power, and a desire of retirement, were accompanied by a disposal of the revenue at discretion, every measure of intrigue and violence to secure absolute, irresponsible domination, and the acquisition of no less an empire than all Spanish South America. Mr. Pando, in a manifesto recently published, to justify his own conduct, exhibits an equalled degree of boldness and disregard of truth clothed in a very elegant style. In this pamphlet he maintains that General Bolivar was only desirous of retiring from command, and never would have returned to Peru. But this language is more remarkable in another document, which was never intended for the public. The agents of Buenos Ayres have obtained copies of several private ministerial despatches, and, among others, the instructions given by Mr. Pando to the Peruvian plenipotentiary to Bolivia. This document will probably get into our newspapers; and in the last paragraph it will be observed, that the minister is to make it a strong argument with General Sucre, to aid in making the two republics one and indivisible, as he was to be their future President for life, since it was well known General Bolivar would never return to Peru. Thus it was expected of General Sucre, who, of all the Colombian chiefs, possesses

the most of General Bolivar's confidence, and has been the most able promoter of his plans, was to listen gravely to this argument, and to be moved by it; though he well knew that he was to be the Vice President, and hereditary successor. An excessive estimate of the intelligence and virtue of mankind may lead a statesman into very great errors; but there is also a danger in the opposite extreme, and General Bolivar and Mr. Pando have committed a fatal mistake in supposing them to be entirely destitute of both.

Although every thing in this revolution is proceeding favorably, and the present administration, which, in fact, hardly possesses materials sufficient for an ephemeral existence, is avowedly *interino*, yet the possibility of a reverse is not wholly ideal. The mail from Colombia due yesterday has not yet arrived. It comes only once a month; and, as all the letters and papers from Bogota in the preceding one were taken from it by the chief of banditti, who robbed it, and who was formerly a Colombian officer, there are, therefore, no late accounts from that country. A Colombian officer of distinction, now here on temporary leave of absence, told me yesterday that he had received information, by a person from Guayaquil, that the Government of Colombia, despairing of resisting the plan of usurpation, except by a civil war, had agreed to the adjournment of Congress till the year 1828; then to take up the subject of amendments.

In the mean time, intrigues will be carried on to bring the provinces that have not yet surrendered into voting the dictatorship. General Perez had been made deputy dictator of Quito and Guayaquil. If General Bolivar has succeeded in getting Colombia into his power, the question arises, how will he act when he receives the news of the movements here, which have extricated the two Perus from his grasp, and which he thought entirely secure? The attempt to come back to subdue them by force seems almost hopeless; but it may not be so considered by his unrelenting character. This gentleman told me that, by sending one of the battalions of the Colombian troops (now here) to Guayaquil, they would immediately relieve that city from the dictatorship; that he had 1,500 men under his command in one of the provinces, a corps which he had raised himself; and, as there were no troops either in Quito or Guayaquil, he could easily secure those two departments, have the constitution again in operation, and produce a great support and rallying point to the liberal party; and the well-known fanatical hatred of the people of Pasto, and some other districts, for the cruelties formerly practised by General Bolivar, would, in fact, make their invasion hopeless, and leave no chance of attacking Peru, except by sea. But if this danger be anticipated, a frigate and two or three small vessels they have here will be fitted out, and the command given to Admiral Guise, which will prevent all fear on that side. The Peruvian officers, as well as the Colombian ones, are all compromised, and will resist to the last. Still, the energy, ambition, and vindictiveness of the Dictator, may lead him to desperate measures; and, as his orders would reach Sucre before he leaves the country, the position of affairs is not without anxiety. After the mail comes in, and the state of things is more accurately known, the measures I have hinted at will be considered.

Commodore Jones has handed me a packet of claims against this Government, addressed by Mr. Allen to Mr. Cooley, or, in his absence, to me. I shall hand them to that gentleman whenever he arrives, who will, no doubt, have your instructions concerning them. But, in my opinion, this

is a very unsuitable moment to urge them ; and, whenever it is done, their success would be more probable if proposed by a minister empowered to conclude a treaty. This subject recalls to my recollection that I gave erroneous information in a former letter, in stating, on the hints of the English consul himself, that he was engaged in making a treaty. No steps have been taken in it, I have since been assured by others.

A division of Peruvian troops, (about 1,500 men,) under the command of General Aparicio, garrison Lima. The Colombian battalions are cantoned in Bella Vista and La Magdalena. The Brandywine, the English frigate *Blanche*, and French brig *Cygne*, are all the foreign vessels of war in Callao.

I have the honor to be, with high respect,

Your obedient servant,

W. TUDOR.

HON. HENRY CLAY, *Secretary of State*.

No. 53.

*Mr. Tudor to Mr. Clay.*

LIMA, *March 1, 1827.*

SIR: Having an opportunity of sending a letter by a gentleman who goes home *via* Panama, I avail myself of it to send a few lines ; though I have recently had the honor to write to you much in detail, which, for particular reasons, I am prevented doing on the present occasion.

Accounts have been received since my last from Arequipa and Cuzco, which complete the returns from all the departments, except that of Suno, and the satisfaction at the recent change seems universal ; and it has everywhere taken place without opposition. The prefects from the various departments have all given assurances that they would use every effort to complete the elections early for the new Congress. In Lima, the electoral college has been fully organized, and the representatives will be chosen in a few days. There seems to be no doubt that, here and elsewhere, the choice will fall on individuals decidedly attached to a republican system.

I have been assured that General Santa Cruz, by direction of the Government, has written to General Sucre, to say that if he wishes to proceed to the ports of the Intermedios to embark, the prefects in that quarter have orders to afford him every assistance and supply, except money ; but if he enters the territory of Peru in any other direction, it will be considered as a hostile step, and he will be treated as an enemy. I have, in former letters, mentioned the opinion of the persons best informed as to the course he would probably pursue, which was, to evacuate the country, and embark immediately ; but there is not yet time to have heard from La Paz and Chuquisaca.

The custom-house, which was removed to Callao, is about being returned to Lima. The great castle was dismantled for its reception, and to serve for warehousing ; they are now re-arming it, and remounting the cannon on the walls.

I write by this occasion at some length to the Secretary of the Navy, on the subject of establishing an intercourse with Peru, Chili, Guatemala, and Mexico, through the isthmus, by lines of packets on both seas ; and which

will have the most important influence on our commercial relations with these countries. I venture earnestly to recommend the object to the consideration of the Government. I have now, as, in fact, always during my residence here, a very practical feeling of its necessity, in being long without accounts from home. Our latest letters from the United States are only to September 1st. I have heard nothing of Mr. Cooley.

I have the honor to be, with high respect,

Your obedient servant,  
W. TUDOR.

To the Hon. HENRY CLAY,  
*Secretary of State.*

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No. 54.

*Mr. Tudor to Mr. Clay.*

LIMA, March 23, 1827.

SIR: I had the honor, a few days since, to receive your letter of October 27th. It has afforded me the greatest relief and satisfaction. My residence in this country has been singularly disheartening, from various causes; and the trying circumstances in which I have been obliged to act on my own discretion, without instructions, added to the silence of the Government in respect to my efforts, have kept me in a state of extreme anxiety. I trust these reasons will be sufficient to excuse any impatient expressions in my letters, which have, from time to time, escaped me under the painful solicitude I have suffered. The kind expressions of your letter in assuring me that my well-intended, however humble, efforts have been well received, afford me the most heartfelt satisfaction. I beg you, also, to offer my respectful thanks to the President for the permission to draw for the sum mentioned, which, with my restricted means, and so long a residence in this most expensive city, is a great relief to me.

A very important movement has recently taken place, and which will relieve this Government from a state of continual apprehension. The Colombian troops (about 2,000 men) sailed from Callao early on the morning of the 19th instant. Having called on General Santa Cruz, to congratulate him on this event, he told me that he had never expected to get rid of them without a battle. Ever since the Peruvian troops arrived in this city, they have been kept on the alert, with ammunition fixed, and ready to be called out at any moment: nor was this precaution entirely unnecessary. All the late agents of General Bolivar (some of whom have good reasons to fear the investigations which the Congress will doubtless make, and all of them have seen their hopes of fortune and title destroyed) have remained unmolested in this city, except General Heres, the late Minister of War, who fled for security on board a French vessel of war and was subsequently sent to Guayaquil, where he has arrived. Some of these have unquestionably been engaged in secret intrigues, of which Mr. \* \* \*, a merchant and Colombian chargé d'affaires, a man, like almost all the agents of \* \* \*, of unprincipled private character, and in his public one knowing no other course but the most slavish servility to him acting as his agent, and not the agent of the Colombian Government, was the ostensible mover.

The principal danger arose from a source very characteristic of the Dominion of Bolivar: after the Colombian troops evacuated Lima, three battalions of them were stationed at La Magdalena, his late country residence. In the same village resided Doña Manuela Sacuz. (the wife of Doctor Thorn, an Englishman,) the enthusiastic friend of General Bolivar, and of whom he is passionately fond, and to whom he allows \$500 a month, which is paid by his agent, Amero. This lady (familiarily known here under the name of the *Libertadora*) is a handsome and very singular woman. She is generous in the extreme to the officers and soldiers, to the last sol in her purse; and, when sick or wounded, ready to nurse them with the most zealous humanity. She has made some of the campaigns in person, with a masculine intrepidity, and keeps the officers in respect by challenging any one who fails in deference towards her. Her character was too well known to suppose that she would not make some attempts at a counter-revolution, especially among troops who had just had such a dangerous example in their own officers. She, in fact, gained over three or four of the younger officers, one of whom, however, merely feigned acceding to the plot, for the purpose of gaining a knowledge of it. She distributed doubloons liberally among the sergeants and corporals, until it was found necessary to arrest and place her in a convent. Since the departure of the troops, she and all the others arrested have been put at liberty, excepting the curate of La Magdalena, a kind of dependant of hers, and who is still confined. These, and other circumstances, kept up anxiety until the troops were embarked. The Government paid them all their arrears, and they took away \$120,000 with them.

The expedition of these troops, who may truly be called liberators; comprised five vessels; and their first destination was Paita, where three battalions would disembark and march on Cuenca and Quito; restoring those countries to the constitutional Government, and abolishing the dictatorship. Another division was to land back of Guayaquil, at a small port on the coast, within two days' march of that city, in which, with the exception of a few agents of the Dictator, the whole population would receive them with open arms. Mr. Lopez Mendez, a man of ripe judgment, who was sent to England as a joint agent with General Bolivar, at the beginning of the revolution in Colombia, goes with them, and accompanies the first division, that is led by Lieutenant Colonel Bustamente,—a young man who, since this revolution, has been the senior officer of these troops. The other division is led by Colonel Elisalde, who acts as a volunteer, but is well calculated for the command, as he has more experience, and his family at Guayaquil is one of the most respectable in the province.

This expedition has only one danger to fear—that of being attacked by Admiral Illingrot, who may fit out an armed brig that is at Guayaquil, and they have no cannon to defend themselves; and, by a very criminal neglect somewhere, Mr. Amero got off a vessel with despatches to give them warning at Guayaquil, a few hours before the expedition sailed.

Quito and Guayaquil will return to the support of the constitution of Colombia when these troops arrive, if they should not have done so before, which, in fact, is highly probable. The whole of these events show the very fragile nature of arbitrary power, especially when it is a usurpation, unless sustained by a greater force than Bolivar had at his disposal. Still, his system, consummated with so much fraud and violence, seemed to many persons firmly fixed in the two Perus; and, acting upon this basis,

would inevitably destroy the liberty of Colombia; having previously distracted most of its departments by intrigue, and offering no escape from civil war, but the sad alternative of the Bolivian autocracy. The whole of this vast scheme, at the moment of its completion, falls into irretrievable ruin, by the hazardous combination of these enthusiastic and honorable young men; and who have now gone onward almost without organization or system, to continue their work. These events abound with striking incidents, in what would have seemed *a priori* the most rash and unequal of all struggles. It is a remarkable instance in human affairs, of how power may be subverted by instruments apparently the most inadequate; and in some countries, it would have been illustrated by sermons, to prove that an overruling Providence sometimes uses the feeblest means to baffle the arrogance of man; and when a giant enemy is to be overthrown, a shepherd-boy and five smooth pebbles from the brook may be made the efficient means.

Much anxiety is naturally felt to know what course will be followed by the Government of Bogota, and when this revolution became known to it. The constitutional chiefs of that Government have evidently yielded to a kind of desperate necessity in allowing Bolivar to pursue his schemes in Colombia. But when they are put in possession of documents that will enable them to denounce his projects, and find that he has thus suddenly lost the support and resources of Peru, and that the dictature is also abolished in Quito, or Guayaquil and Ornay, it will give them such an accession of strength, that they may renew their hope of being able to sustain the constitution.

By the recent events, several confidential letters have fallen into hands for which they were not intended; among these were some from General Perez, sub dictator of Quito and Guayaquil, to a confidant of his, in which he speaks of "having unlimited power over three immense departments;" but that he only held it *ad interim*, because nothing would tempt him to resign "his secretary generalship, and give up returning to this happy country with the Libertador." There was also a letter from General Bolivar to General Heres, stating that every thing was proceeding favorably; that Santander was acting in concert with him, and that the Bolivian confederation would soon be completely organized, and would consist of six States: 1. Venezuela. 2. Cundinamarca. 3. Quito and Guayaquil. 4. Lima. 5. Cuzco. 6. Bolivia. This letter would do for a parallel column with his proclamation at Bogota, his abhorrence of command, his destiny more sublime than that of a throne, &c. I was promised a copy of this letter, which was communicated to several persons here; but, in the hurry of the embarkation, it was forgot. I wished to have transmitted it to you. General Bolivar has, indeed, acted with extraordinary constancy and success on a favorite maxim with him—that language was given to man to conceal his intentions; but having come in contact with a few honest men at different times, and recently with so many untoward events, his conduct and character must be eventually unmasked.

With respect to any attempt at returning here, it seems to me impracticable. Should any serious apprehensions of it arise, they will then fit out the Presidente frigate and corvette Limeña, which, with two smaller vessels now in commission, will form a squadron for Admiral Guise to intercept the approach by sea, and by land he cannot come without an army, which is, for the present, impossible. He has no ancient legions here to welcome him,



and his position has much more of St. Helena than Elba in it; and, like his model, he may exclaim, "from the sublime to the ridiculous there is but one step." Guise would have been already in commission, but the expense of refitting these dismantled ships has deferred it till the necessity arises. The departure of these Colombian troops relieves Peru from a heavy expense; but orders have been given to raise five battalions of Peruvian troops to increase their army.

The feeling in favor of the late change appears universal throughout the country. The elections are prosecuting with expedition, and some of the principal are already concluded. In Cuzco and several of its provinces, those of the former Congress who signed the destruction of that body have been replaced by new members. In Arequipa, Luna Pizarro, Cuadros, and Lopez Sanchez, who refused to lend themselves to Bolivar's views, and have undergone various persecutions in consequence, have been re-elected with a high degree of enthusiasm: some of the votes were found written in letters of gold, silver, and some *with blood*. Every kind of spontaneous rejoicing followed for three days. In Lima, the choice shows strong marks of judgment, as well as patriotism. Among the persons chosen, General La Mar stood highest on the list, and next, Luna Pizarro. This latter I am hoping to see every day; his presence is of the utmost importance here.

My last letter from General La Mar was dated in the early part of the last month, and before he became acquainted with the revolution here. I think he will be elected President of Peru by a unanimous vote, and, in that event, I have no doubt, will accept it; though, in a recent conversation I had with the ex-minister Pando, he thought he would not come here; but as he (Pando) believed a revolution would have taken place in Guayaquil, that he would be called to preside over that country. I doubt, however, the soundness of this opinion. La Mar is characterized by the most delicate sense of honor, and will never accept any situation that involves a question of right. I know he has sympathized with Santander, who was suffering under the evils which he himself would not consent to compromise with in Peru, and which have nearly overwhelmed the administration of the latter in Colombia. Besides, Guayaquil at present pertains to the republic of Colombia, and, until it is fairly and honorably separated, La Mar would never listen to taking the command of them. The forced union of Guayaquil to Colombia was the first of that series of violent and perfidious measures by which Bolivar has forever tarnished, on the shores of the Pacific, those splendid laurels with which he was covered in his heroic career on those of the Atlantic. Should Colombia be dissevered in consequence of his sinister schemes, Guayaquil would probably join itself to Peru, to which, for many reasons, it would be a most important acquisition.

I cannot help hoping that La Mar will come here to take his place in the Congress as soon as he receives notice of his election. I ventured to lose no time in urging him to take this step, which the confidence with which he honors me permitted me to do without impropriety. I will make here a suggestion, which I beg you to make known to the President. General La Mar, in his last letter, tells me that he had sent two of his nephews (he has no children) to the United States, to be educated in St. Mark's college, Baltimore. If the President has the power to place these youths at the Military Academy, I think if he should direct the offer to be made to General La Mar, it would be highly appreciated; and that he merits such an attention on our part, I have no doubt, whether he be in or out

of power. As an officer, he is skilful, and the bravest of the brave; and he unites to the purest patriotism in public life, the most amiable and stable private character; and for our history and country he feels a degree of enthusiastic admiration, heightened by the sad contrast he has witnessed in his own.

From Upper Peru we are still without intelligence as to the course that may be finally pursued by General Sucre. On the first news of the revolution here, (which, however unpleasant, could have occasioned him no surprise, but of the extent of which he was in doubt,) he appears to have promptly taken the wise step of moving the troops from Chuquisaca to concentrate them in La Paz. By this movement, he gave them no leisure to form plots; and as the movement was in the direction towards the coast, it would excite their hopes that he meant to return to Colombia. His object besides was, doubtless, to gain time to decide on ulterior measures. He wrote here to say that he should not interfere with the Government of Peru; but that he feared this assembling of the Congress would draw great misfortunes upon it. The people of Arequipa are fearful of a hostile visit from him, and have no confidence in their prefect, General La Fuente, which his character and servile devotion to General Bolivar are calculated to inspire; and the more so, as on the first receipt of the orders of Heres, (late Minister of War,) he complied with them immediately, which all the other prefects declined doing. He has since resigned, on account of this unpopularity, and requested that he might be replaced, and receive some other destination. General Sucre, with a force not amounting to 4,000 men, in want of muskets and ammunition, (of which a large stock that was destined for him was fortunately detained in Arequipa,) with this force deeply discontented, and the provinces he rules dissatisfied with the Bolivian constitution, can hardly hope to maintain himself. If, in good faith, he resolves to proceed to the coast to embark, he will take a fortunate measure; if he resolves to station himself in Arequipa till he can hear from Bolivar, he will keep Peru in an uneasy situation, and, eventually, a very dangerous one, if the latter were to enter its northern provinces with a small army.

There are some persons who think Sucre may pursue a different course, and, seeing Bolivar's system ruined, determine to act for himself. Sucre is described as being polite and affable in his manners, without the impetuous domineering violence of Bolivar; and if of a less lofty, daring genius, with much more skill and judgment. The constitution is disliked, and the foreign troops are disliked in Bolivia, but Sucre himself is extremely popular; he has no guards about him, and receives everybody, at all hours, frankly. His administration is wise, active, and liberal. He is founding schools and making great public improvements; eradicating the convents and other ecclesiastical abuses; and is the person most able to make an advantageous treaty with Peru on the two points that are most important to the people he governs: the first of these is, acquisition of the port of Arica; and the other, arranging the proportion of the expenses of the war to be paid by Bolivia. Should he resolve to send home all the Colombian troops, except the few who might volunteer to remain, reform the vices of the Bolivian constitution, and raise it to a republican standard, he would probably have the unanimous vote of the country, and be a most useful person to preside over it. He is the only one of Bolivar's lieutenants, except Sangander, who has talents above those of a mere officer. In some points he may be said to be to Bolivar, what Bernadotte was to Bonaparte.

However, these are only speculations ; he is an able man placed in a singular situation, from which great sagacity and decision are necessary to extricate him.

It is said that General Santa Cruz intends going shortly to Arequipa, on a journey which seems to have no useful object, and which, I should presume, the friends of the revolution would endeavor to prevent. He was born in Bolivia, and has some mixture of Pocahontas blood, which mixtures are here called *Choulos* : he is not a bad man, is amiable and affable in his manners, but his conduct was wavering and uncertain in the progress of recent events ; he is cursed with an unfortunate mixture of qualities, is timid, indecisive, and ambitious ; if he foresees that he has little chance of being President of the republic, he may have it in view to gain partisans in the southern departments ; but the danger would be little from such intrigues, were it not for the vicinity of Sucre. General Sucre, whose talent and skill in revolutionary manœuvres are of a superior class, and which General Bolivar said were far superior to his own, would get a dangerous influence over Santa Cruz, though they are personal enemies. Vidaurre, the present Minister of Foreign Affairs, would then be the most ostensible person in the Government. He is a zealous patriot, recently president of the supreme court of justice, about fifty-four years old, of a retentive memory, extensive reading, quick, ardent, restless disposition, and so inflated with vanity, that the slightest breeze rolls him out of his course, and makes him wholly unfit to be a leader. Ever since he has come into place, he has been filling the papers with his writings, and publishing a plan of a constitution, in which the first paragraph sanctifies tyrannicide ; and the chapter on religion is precisely such a one as the least orthodox and most innovating of our sects would have given. A single fact will show the discretion of this project in Peru, where Luna Pizarro in one constitution, and Bolivar in another, wishing to leave it possible to open the door to toleration hereafter, made the simple provision, that the religion of the State should be the Roman Catholic apostolic ; to which the Congress in the case of the former, and two-thirds of the provinces in that of the latter, added "exclusive of all others."

An alteration is about being made in the tariff. Mr. Vidaurre told me the reglamento would be ready for the signature of General Santa Cruz on his return from Chorillos, where he is gone to pass a few days. This has been produced at the instigation of one or two merchants, and makes a considerable reduction in the duties. But it appears to me to be only legislating for a single cargo, and merely to produce fresh embarrassments by an alteration in the tariff of very uncertain duration. The Congress will assemble within two months, and I am disposed to think will adopt a liberal system ; and will at least revise, if not reverse, all the acts of the present anomalous administration. I have, therefore, thought it inexpedient to meddle in the matter. Mr. Cooley will, doubtless, have your instructions on this subject ; and whenever it becomes a matter of legitimate legislation, his influence may then be useful. I look for the arrival of this gentleman from day to day, but have not yet heard of his having left the United States.

I do not like to repeat excuses which I have made in former letters : several of them, like the present, being only intended to give you an idea of characters and events of temporary interest, when read, had better be destroyed than placed on file. The extraordinary plan of usurpation which was matured here, and which was so near being fastened on all South

America, gives an interest to many familiar details which would be otherwise wholly insignificant and impertinent.

I have the honor to be,

With high respect,

Your obedient servant,

W. TUDOR

Hon. HENRY CLAY,  
*Secretary of State.*

P. S.—*March 25*: Since writing the above, I have received a very interesting letter from General La Mar, of the 1st instant. He appears equally delighted and surprised at the fortunate revolution that had occurred here; by which, he says, they have escaped from a yoke more infamous and oppressive than that from which they had been finally liberated by the battle of Ayacucho, all whose anticipated glorious results, by the most atrocious perfidy, had been defeated; and that the 26th of January is the great day from which Peruvian freedom is to be dated. He tells me that the terms of the arrangement with Paez had created general disgust; that the Government of Bogota was maintaining its principles and honor in spite of the Bolivian league. From some expressions in his letter, I am confirmed in my opinion that he will come here as soon as he hears of his being chosen a deputy for Lima; and his arrival will be a fortunate event for the country.

*March 26*: The journey of General Santa Cruz to the southern departments is given up. Letters have been received by him, from Gen. Sucre, in which he offers his assistance to maintain order in Peru; and, at the same time, advises separating the Colombian battalions—sending one of them home, and distributing the rest in Jauja, Gaumanga, Arequipa, &c. This advice shows that he was still ignorant of the state of feeling in Peru, or in those troops. At the same time, another step is highly characteristic of his intriguing policy: he wrote to the prefects of Cuzco, Puno, and Arequipa, advising them to procure elections of deputies, to assemble and take care of the interests of those departments during the present disturbances, and he should be always ready to sustain them. This would have been anticipating a little Bolivar's intended organization of the fifth State in his Bolivian federation; but it proves, also, that Sucre is ignorant of the state of Peru, as those departments are among the most decided in their hatred of the late usurpation that oppressed the country.

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No. 55.

*Mr. Tudor to Mr. Clay.*

LIMA, April 25, 1827.

SIR: In my letter (No. 54) dated 23d ultimo, I brought down the narrative of political events here to that period. Having now an opportunity of sending letters to Mr. Poinsett, I avail myself of it, to give a brief sketch of subsequent occurrences.

The expedition of the Colombian troops, which sailed on the 19th ultimo, disembarked two battalions on the 25th, at Paita, which, on the 26th, began their march for Loza and Cuenca; and the expedition sailed at the

same time to land the remaining three battalions on the coast back of Guayaquil, from whence they would march, without impediment, on that city; there being only 300 troops there, and one-third of those Peruvians, who will be eager to join them. Three small vessels, hastily fitted out, sailed from Guayaquil on the 30th, to intercept them. Many persons think they will miss the object; and even should they succeed, the expedition is superior in force: we are, however, anxious to hear the result. By the escape of Colonel Prieto, who was banished from Lima by Bolivar, and detained in arrest there, we are confirmed in the opinion that these *liberating* troops will be everywhere received with open arms; and, between Bogota and Guayaquil, there are not 900 soldiers in all.

The next object of anxiety is the course that Sucre will follow. Fortunately, he was in the dark as to the nature of this revolution, for a long period, or, by marching at the first moment to the occupation of Cuzco and Arequipa, he might have paralyzed Peru. He sent down General Cordoba, his best general, to take the command of the garrison here, and he arrived about a fortnight after their departure. The Government gave him up the invalids, &c., who remained, and he sailed with about 140 men, a week since, for Guayaquil. He was also accompanied by Doña Manuela Sacuz, the favorite of Bolivar, of whom I have formerly spoken, from the part she had taken in these events. Sucre has sent two battalions (about 1,000 men) to embark at Arica, and vessels were prepared for them; these were intended to reinforce the garrison here; but of course they will not be allowed to land, and will be ordered to pursue their voyage home. As he had only 3,000 men with him, and those badly armed, his force will be greatly diminished. Troubles are beginning to appear in Bolivia: a large number of persons had been arrested in Potosi. It is thought Sucre will not attempt to remain longer than to receive orders from Bolivar, and that, considering the cause desperate, he may even evacuate sooner. There is, therefore, a strong probability that before the close of the year the Bolivian rule and name (both the declaration of bayonets) will disappear together.

The troops in this city are about 3,000 men; and they are fitting out the Presidente frigate, to be commanded by Admiral Guise, with three or four smaller vessels.

I enclose a document, reprinted here, which I think should be made widely known in the United States. I received a copy of it in manuscript by the mail, in rather a mysterious manner, though I presume I know from whom it came; and about the same time the Buenos Ayrean consul received a printed copy, from which the reprint is made. The history of this most eloquent paper, I take to be this: It was intended as a last, almost despairing effort of friendship, to prevent him from consummating the ruin of his country, and of his own reputation, and was presented to him on his arrival at Bogota in November last. He persuaded them to suppress it, with his usual vehement protestations of patriotism and disinterestedness, and declaring he only wanted to settle the troubles of Venezuela; and requested, in one of his addresses, that moderation might be used in writing, and all excitement avoided. He had placed the country in a situation that obliged the Government to cede: when they found that he was only pursuing the profligate schemes of his ambition, and that the very names of Colombia and Peru were to disappear in his new empire, they sent forward some copies, in hopes they would be made public in other countries.

This is a good preparation to the manifesto, which will be one of the

first steps of the Congress of Peru, and which will be in a different tone. The elections are all complete, and most of the deputies are already here, or known to be on the way; and there is little doubt but the Congress will meet by the 10th of May. Dr. Luna Pizarro is hourly expected from Chilo, and I trust General La Mar will come from Guayaquil the moment the port is open.

I have the honor to be,  
With high respect,  
Your obedient servant,  
W. TUDOR.

HON. HENRY CLAY,  
*Secretary of State.*

P. S.—I have just received the message of the Mexican President, in which he speaks in a degree of painful reserve of the meditated changes in Colombia; and if more proofs were wanted of the degradation of Peru, under the late usurpation, the omission of all mention of such a country, while every other on this continent, and the principal ones in Europe, are mentioned, would be sufficiently striking.

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No. 56.

*Mr. Tudor to Mr. Clay.*

LIMA, April 26, 1827.

SIR: A delay in the departure of the gentleman by whom I forward my previous letter under cover to Mr. Poinsett, allows me to mention one or two circumstances that I had omitted.

The present administration of this Government, whose labors are fortunately drawing near to a close, by the persuasion of a French merchant, have taken the humiliating step of writing to the French inspector destined for this country, and who retired to Valparaiso, inviting him to return. The effect, therefore, of Mr. Pando's very able correspondence and dignified conduct will be wholly lost; and this Government, which had nothing to fear from that of France, will have the just reputation of being timid, irresolute, and wanting in self-respect.

This letter goes by a French ship to Maranham, and some circumstances connected with her show a little of French policy. She goes from hence to California, thence to the Sandwich Islands and Manilla, to take a cargo from the last place to France. This is done in consequence of the French Government having offered a premium to a certain number of vessels which, after trading to this coast, should visit the islands in this sea, and return by the way of the Cape of Good Hope. The French commerce has greatly increased here within the year, but probably will not be sustained. The great expense at which they sail their vessels makes their freights double those of our vessels, and they have so overstocked this market, that many of their goods are selling for less than cost; and, besides having sold large quantities on credit, the ships return without obtaining payment, which will tend to discourage their merchants.

The circumstance, however, to which I meant particularly to allude, is

that this ship has a missionary establishment on board, consisting of three Jesuits, with some mechanics, &c. : they were to go to the Sandwich Islands. If allowed to land there, it is not improbable that, considering their superior capacity and greater attraction to savages of the religion they offer, they will soon drive off our Calvinist missionaries, and, perhaps, prepare the way for some ulterior views of the French Government on those islands.

The English consul general is about embarking for his return home, and a vice-consul only remains. I have not heard that any other agent is named to succeed him; and he, himself, tells me that his Government does not know of his intention.

I have the honor to be,  
With high respect,  
Your obedient servant,  
W. TUDOR.

Hon. HENRY CLAY,  
*Secretary of State.*

No. 57.

*Mr. Tudor to Mr. Clay.*

LIMA, May 5, 1827.

SIR: No. 56 missed the opportunity for which it was intended, but goes the same route, *via* Mexico, enclosed with the present.

The day after it was written, I had the satisfaction to receive, by express, a letter from Colonel Elisalde, who commanded the second division of the Colombian troops, dated Monte Christi, on the coast back of Guayaquil, April 3, in which he gives me an account of their operations up to that time. On the 25th of March, as before known, two battalions landed at Paíta, and the next day marched on Loxas; and will reach Quito and Pastos, without meeting a single soldier; the inhabitants, rendered desperate by the oppression and extortion of the dictature, will everywhere receive them with open arms. General Peres, the "dictadorcillo," had come down from Quito to Guayaquil, bringing with him the few troops there were in that city. This division will secure the defile of Juanamba, and then nothing passes without their permission.

The expedition continued its course on the 28th, seeing nothing of Admiral Illingrot, sent with two vessels to intercept them, till after the troops had disembarked, which they effected on the 1st of April, at Monte Christi, being three battalions. The next day they marched to occupy the neighboring towns. The people everywhere received them most gladly. Colonel Delyado commander of the province, immediately joined them, as did another officer with the contribution levied on the inhabitants of three dollars a head by a dictatorial decree. Elisalde was occupied in forming a chosen column of 800 men to march on Guayaquil, which he probably entered about the 15th ultimo. The mail from that quarter is now due, and we are looking with impatience for further news from them and from Bogota.

About a fortnight since the ship Chesapeake, of Baltimore, was seized, under pretence of violating the decree of April 17, 1825, against Spanish

merchandise. She had on board a small quantity of tobacco bought and cleared as Carthagena produce, but denounced by the custom-house as coming from Cuba. This most unexpected event, after the clearing of the schooner Mackerel with undeniable Spanish fabrics, and the virtual repeal of the decree by the one of October 21, 1826, in which Spanish fabrics were admitted as a premium for bringing quicksilver, has obliged me to enter into a long exposition of the whole subject with this Government, which I shall hereafter forward to you. General Santa Cruz has, in a very extraordinary manner, made the condemnation of this vessel and cargo a personal affair almost, and has taken a very singular interest in the case. The cause is now pending before the legal authorities, and, aided by some of the applications with which [justice] is usually propitiated here, will, after some vexation, without doubt, be liberated. Should it be otherwise, I feel great confidence that, as soon as the Congress assemble, I can procure a formal repeal of this decree and restoration of all property seized under it.

My friend Dr. Luna Pizarro, the leading member of Congress, has just arrived at Callao from Chili, where he was banished by the usurper, and to-morrow he is to have a popular reception and public entry. The arrival of this individual, for which I have been very anxious, is quite important to Peru. General La Mar is also, I have reason to think, on the way from Guayaquil to the Congress. A large number of the members have arrived, and it is supposed the session may open in a fortnight.

A battalion of 800 men, sent down by Sucre, destined for Panama, have embarked at Arica, and will touch here; they are only recruits raised in Bolir, and have been forced on board. Measures will be taken to allow them to land, and hereafter they will be sent home. General Sucre is resorting to violent measures—contributions, arrests, executions, &c.; his popularity hitherto has been owing to a contrary course; it is not possible, in a discontented country, with a force of 3,000 men badly armed, and not very contented, that he can long sustain himself, cut off as he is from all succors.

May 6.—To day I went to Callao with many others, to meet Dr. Luna Pizarro, and this afternoon he made his entry into Lima, accompanied with bands of music, and other marks of rejoicing, and accompanied by immense crowds. This is a tribute justly paid to virtue and patriotism, and affords a striking incident in the vicissitudes of revolution. The same individual, eight months since, was torn in the most arbitrary manner from his family, from his employment and support, from his country, and hurried into banishment, by the mandate of a usurper, and is now received in triumph in the same capital from which he was so recently exiled.

The mail is not yet arrived from the north; we are, therefore, still without news from Colombia. Mr. Cooley was to leave Valparaiso on the 23d ultimo, the vessel touching at some ports on the way down; he may, therefore, be expected towards the end of the month.

I have the honor to be, with high respect,

Your obedient servant,

W. TUDOR.

HON. HENRY CLAY,  
*Secretary of State.*



No. 58.

*Mr. Tudor to Mr. Clay.*

LIMA, May 15, 1827.

SIR: The detention of the vessel which takes my last letter enables me to add another, with a few details of subsequent occurrences. On the 16th ultimo, a rising of the people of Guayaquil took place, against the insolent agents of the dictatorship, and they were obliged to fly; and the vessel in which they embarked, it is supposed, directed its course for Panama. Two only remained behind—Admiral Illiagrot and General Castillo—who both resigned their employment. The people called on General La Mar to place himself at the head of affairs. He is extremely beloved by them, and was obliged to consent, though, in his proclamation, he declares he must shortly leave them. By a letter from him, dated the 22d ultimo, he tells me he was coming into the city that very day, for the purpose of embarking for this place, to attend the Congress; but that it was impossible for him to resist the wishes of his fellow-citizens, though he should set out in a very few days, and I trust he will be here within a week. The division of troops under Elisalde, of which I spoke in my last, entered Guayaquil on that day. Gen. La Mar writes me that they had no recent news from the other division, under Bustamente; but it was supposed, at that date, to be in Cuenca.

Sucre sent down 800 men to embark at Arica for Panama; of these, 520 were on board a Dutch ship pressed into the service, and the captain wrote to the supercargo here that they had mutinied, and obliged him (not against his inclination) to land them at Guayaquil. The remainder of the corps were on board a Peruvian vessel, and it is generally thought will take the same course. These men, therefore, together with 140 that sailed from hence with General Cordoba, will be a reinforcement to the *liberating* troops, and will, in that event, increase their force to upwards of 3,000. We know nothing yet from Bogota; but if they take advantage of the movements, (as it may be presumed they will do,) they will find themselves very much strengthened, by having several departments restored to the pale of the constitution, and a considerable body of troops to sustain them. The whole scheme of Bolivar seems dissolving like snow under a tropical sun.

The Congress had their first preparatory meeting to-day, about seventy members present. The object was, to examine the returns and qualifications. General Santa Cruz, aided by Vidaurre, is exerting every kind of intrigue and corruption to secure being chosen President, but I trust without success. The object of those opposed to him will be, to postpone the formal opening of the session till the arrival of General La Mar; and, from a confidential conversation with Dr. Luna Pizarro, last evening, I found his hopes considerably strengthened; some of the deputies, supposed to belong to the interest of Santa Cruz, had sent him a private intimation that he might count upon them. Peru, with the best men in the Government, will have many difficulties to struggle with; but if the present administration should be continued in power, she has nothing to hope.

I have just had the pleasure of seeing Mr. Cooley. He arrived yesterday in Callao, and this morning I sent a note to the minister requesting leave for him and the other passengers to land. I received an answer, with the

requisite order, saying that the President had immediately ordered the Government carriage to proceed to Callao to bring him to this city, in which he arrived this afternoon.

I have the honor to be,

With high respect,

Your obedient servant,

W. TUDOR

HON. HENRY CLAY,  
*Secretary of State.*

The newspapers enclosed narrate the recent revolution in Guayaquil.

P. S.—By the Peacock, which arrived yesterday from St. Blas, I have a letter from Mr. Poinsett, of January 11th, in which he remarks “that the Congress of Tacubaya will open its session as soon as a minister from Peru makes his appearance.” It will probably be some time before such minister is named, and I should think he will hardly reach Tacubaya before the close of the year, as the season, for some months to come, is unhealthy on the coast of Mexico; and during this period, opportunities of getting there seldom offer.

By the last accounts from Valparaiso, we hear of the arrival there of a *Russian* ship of the line; and it is reported she passed, off Cape Horn, a ship on fire, near enough to hear the cries of the people, but (it blowing a gale of wind) was unable to render any assistance. I am since assured that the arrival of a *Russian ship* is a mistake; and the report respecting the ship on fire is variously related. Instead of a ship of the line, it was a corvette brig.

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No. 59.

*Mr. Tudor to Mr. Clay.*

LIMA, May 22, 1827.

SIR: I have the honor to enclose a copy of the letters I have addressed to the Government of Peru, in the case of the ship Chesapeake, and on the principles connected with it. I have received no answer whatever. As Mr. Cooley had his formal introduction to this Government yesterday, I shall inform him of the steps I have taken, and he will follow such course as he may deem expedient.

With regard to the Chesapeake, the cause is yet undecided. The measures taken by this Government to procure the condemnation of that ship and cargo have been very extraordinary, and, should their object be attained, it will be necessary to describe them hereafter. Hoping, however, that the vessel and cargo will be cleared by the judicial tribunals, I think it unnecessary to trouble you with further details at present.

I have conversed with one or two influential members of Congress on the subject of the decree under which this and other vexations have arisen; and, as its provisions are not only offensive to neutrals, but its consequences are most noxious to Peru, I have great confidence that it will be repealed in-

mediately after that body is organized, and all causes pendent under it annulled.

I have the honor to be,  
With high respect,  
Your most obedient servant,  
W. TUDOR.

Hon. HENRY CLAY,  
*Secretary of State.*

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[With Mr. Tudor's letter of the 22d of May, 1827.]

*Correspondence with the Government of Peru, relative to the seizure of the ship Chesapeake, and the decree against Spanish merchandise.*

(No. 1.)

LIMA, April 21, 1827.

SIR: I have now the honor to address your excellency on a transaction which has occasioned me equal surprise and regret, and which will be more fully understood by the copy enclosed of a decree of the Department of the Treasury. The extreme harshness of this measure will, I am convinced, be found utterly unjustifiable, however the point which gave rise to it may be decided; and it is wholly unprecedented in the cases that have hitherto occurred under the dictatorial decree respecting Spanish merchandise.

The facts, as I believe truly represented to me, are simply as follows: The American ship Chesapeake, of 500 tons, with a full cargo, chiefly of products of the United States, has on board less than 400 quintals of tobacco that was purchased in Baltimore as Carthagena tobacco, cleared from the custom-house there, entered here and sold as such, and is believed by the supercargo and consignees of the vessel to be of that description. Without inspection, the custom-house officers have asserted it to be from Cuba; and, without examination or substantiating the fact, have obtained the extraordinary order directing the whole cargo to be landed and placed in their possession, and the sails and rudder of the ship to be taken away—measures which could not be exceeded, had the owners of this vessel been engaged in some most fraudulent and overt act of smuggling.

Your excellency is too well acquainted with the origin and motives of that decree, to make it necessary for me to describe them; and I will confine myself to the observation, that the decrees of Berlin and Milan, of which it was an imitation, hardly surpassed it in gross violation of neutral rights. I can further say that, since the origin of the revolution, no act of the Government of Peru excited the sensibility of the Government and citizens of the United States so much as this violent and useless ordinance. My Government saw with surprise a decree, emanating from a friendly State, that showed such a rash and contemptuous disregard of the rights of nations; and, with respect to one of its provisions, they, as well as another, distinguished friendly power, sent out instructions to their officers, whose execution was rendered unnecessary by the disavowal of the Minister of Foreign Affairs as to the intention of a doubtful article—a circumstance

which I only allude to as one proof of the excitement which I have before said it occasioned.

But this decree is, in fact, abrogated by a subsequent one of this Government, admitting the very manufactures of Spain itself, as a premium to the introduction of a certain amount of quicksilver. In the most remarkable case that has occurred under this decree, (that of the English schooner *Mackerel*, not long since decided,) not only the cargo and the vessel escaped the harsh proceedings which it is now my disagreeable duty to bring to the notice of your excellency, but the merchandise, which was openly known and allowed by its owners to be Spanish, was given up; and a stronger case can hardly be imagined.

Shall, then, a large and valuable cargo, the property of citizens belonging to a nation that, from the first moment, has been the zealous and steady friend of Peru, and the glorious cause she is so triumphantly asserting, be treated, on mere suspicion, as if guilty of the worst delinquency? And for the sake of a comparatively small portion of that cargo which has been rashly suspected and prejudged, shall the whole be subjected to such rigorous and ruinous treatment?

As to the final decision on the suspected tobacco, I have no doubt it will be in favor of its proprietors. But the motive of the present letter is to appeal, most earnestly, to the well-known liberality and justice of your excellency, for your immediate intervention to order the restoration of the vessel to the control of the owners, that they may go on in the peaceful discharge of the cargo, and thereby escape the most serious injuries, while the question relative to the tobacco shall be settled by the proper authorities.

I request your excellency to receive the assurance of the high consideration with which

I am, your obedient servant,  
W. TUDOR

SEÑOR DON MANUEL DE VIDAURRE,  
*Minister of Foreign Relations.*

(No. 2.)

*To the same.*

LIMA, April 25, 1827.

SIR: I have again the honor to write to your excellency, with respect to the seizure of the *Chesapeake*, on which I addressed you on the 21st instant, and which letter remains without an answer. This most unexpected occurrence requires a general consideration of the whole subject, and an explanation of the light in which the Government considers that decree, which is virtually, if not formally, revoked; and I am now occupied, as I had the honor to mention personally this morning, with a more minute exposition of the subject, generally, which I hope to transmit to-morrow. But the urgency of this individual case—the total ruin of the voyage, if the present embarrassment to the discharge of the vessel be continued, on principles which, I am convinced, will be found untenable, and that previous decisions have proved to be so—induce me earnestly to solicit your excellency for an order that the discharging of the vessel may continue, while the par-

ticular case of the tobacco is undergoing a legal decision. Every day's delay, from the nature of the cargo, increases very considerably the amount of damage, which, if further accumulated, will hereafter form a claim against the Government of Peru.

I request your excellency to receive the assurances, &c., &c.

(No. 3.)

*To the same.*

LIMA, May 1, 1827.

SIR: I have not had the honor to receive an answer to my letters of the 21st and 25th ultimo, relative to the measures taken towards the ship Chesapeake. The immediate object of those letters, however, was to prevent the excessive injury that would arise to the proprietors, if measures equally harsh and unnecessary should have been persisted in. On the present occasion, it is my imperious duty to discuss the subject generally, as intimated to your excellency in conversation; and to request a distinct explanation relative to the act of April 17, 1825, against Spanish merchandise, that I may communicate the same to my Government. There is the more necessity for this explanation, as, for reasons hereafter mentioned, I had considered that decree as virtually repealed, and had written to my Government to that effect.

As no individual of the present administration formed part of the Government at the time that decree was promulgated, its history may be partially unknown to them; and, as I was called upon to take many steps in regard to it, from the moment of its appearance to the present time, I may be excused in going back to some circumstances connected with it, that may, perhaps, throw some light on the subject.

General Bolivar, being then in Upper Peru, and giving directions to the Abbé de Pradt, to write on to the Congress of Panama, and introduce this edict, sent orders, in virtue of his dictatorial powers, to the Council of Government, to issue this decree. Its appearance created great surprise, and its provisions, which, to this day, are a subject of doubt, were so uncertain in the opinion of the most intelligent merchants, that I was obliged to inquire of the minister what was their precise bearing. In the original decree, the notice given was only four months; I attempted to procure some modification, but in vain, except as to extending the term of notice, which, in consequence of my representations, was, by a subsequent decree, enlarged to eight months; which still was insufficient, as subsequent occurrences proved.

This decree, so rash and crude in its provisions, was, without exception, the most injurious measure, both to the foreign and internal concerns of Peru, that has been taken since the origin of the revolution. In foreign countries, it inspired disgust by its violence and violation of neutral rights. The newspapers of the United States contained several complaints on the subject; and the Government of the United States, doubtful, from the ambiguous expression of one of its articles, sent out instructions to the commander of their squadron, in which it was observed, "that, viewed as a municipal regulation, it was singularly harsh and violent;" but, if meant to

be executed at sea, it was wholly inadmissible, and gave suitable orders should it be so construed; and I was assured that the English Government had taken the same view of it, and transmitted similar orders to their commanding officer. On the receipt of these despatches, I called on the Minister of Foreign Affairs, and he disavowed any intention, of its being executed further than as a municipal regulation. Here, then, sir, is enough to justify my assertion of its injury to Peru, in her foreign relations, since the two nations who have been the steady and decided friends of South America were so deeply hurt by this impolitic decree, and without any intercommunication, gave similar instructions respecting it.

Its disastrous influence on the internal concerns of Peru was still greater, and still exists. It has served to injure, in an extraordinary manner, the greatest branch of production—that of the mines. Before this decree was issued, the common price of quicksilver was fifty to sixty dollars the quintal; since, it has risen to one hundred and one hundred and twenty; and at the mines, the proprietors have been frequently obliged to pay one hundred and fifty dollars, and even more. This scarcity and high price of quicksilver has caused vast injury to the miners, and its effects will continue to be felt until it is wholly repealed. Having had the opinion, in confirmation of my own, of some most respectable persons interested in mines, that this would be a consequence of this measure, I endeavored, in some private unofficial conversation, to represent this objection to the Minister of Foreign Affairs, though in vain, as he was unwilling to make any alterations, (except that formerly mentioned,) doubtless, from considerations as to its author. He was not, however, blind to the obvious objection, and said that there was no necessity for making the exception, as the merchants would invoice Spanish quicksilver as German, and the difference could not be detected. I observed to him that this would not be the case; that respectable merchants would not jeopardize their property by any equivocal proceedings; especially as the provisions of this decree were so violent, that not only the quicksilver was in danger of condemnation, but the whole ship and cargo. So far, indeed, from encountering such a hazard, a contrary effect would be produced, and even German quicksilver would not be brought, as the custom-house officers might denounce it as Spanish; and as it is always difficult to prove a negative, the merchant might be subjected to great expense and exaction; and even with a favorable decision of his case, the delay, by the variation of the market, might prove ruinous to his voyage.

I think that your excellency will not consider these observations as foreign to this subject, since the case of the ship *Chesapeake* offers an example so strongly in point. Many kinds of tobacco are nearly as much alike as different kinds of quicksilver, though the intrinsic qualities may be very distinct. In the present case, a quantity of tobacco, forming a very small part of a valuable cargo, was purchased and cleared in the United States as coming from Carthagena, and the custom-house here, without any examination, has denounced it as coming from the island of Cuba; and measures, in consequence, have been taken against the vessel, which, though this tobacco will doubtless be cleared by the judicial tribunals, may ruin the voyage, and occasion a heavy loss to the owners. It may be added, that policy, at least, might have induced every forbearance towards a vessel, the principal part of whose cargo was flour, when this necessary of life was at thirty dollars the barrel on her arrival.

An allusion here to the general policy of similar prohibitory regulations

may be allowed, as the nature of this representation involves its consideration. The progress of the true principles of commercial affairs, aided by some remarkable examples that have occurred in recent times, has gone very far to discourage statesmen from attempting national coercion by commercial restrictions. Napoleon, in the pride and extent of his power, had closed nearly every port in Europe to the entry of English merchandise. The result was, unquestionably, much loss and embarrassment to the English nation, yet nothing compared to the ruin produced in many flourishing countries under his sway—some of whose cities, once the marts of the world, saw themselves reduced to the extremest distress, the grass growing in their streets, and, in some places, valuable houses razed to the ground to avoid paying the taxes upon them. The United States, in their disputes with England, resorted to a non-importation; and though the commerce thus interdicted was most extensive and important to England, the inadequate result will, I am persuaded, prevent a recurrence to the system in my country. The experience of Peru has not been more fortunate, since, within a short period, the Government, alarmed at the extensive evils the decree had occasioned to the mining interest and the public revenue of the country, passed another, making Spanish manufactures themselves a premium for the introduction of quicksilver.

Had practical men been consulted before the issuing of that decree, they would have advised against it. The rival fabrics of England and France had diminished to a very insignificant amount the consumption of Spanish manufactures; and it was the opinion of many experienced persons, that Spain would suffer much less by the prohibition, than Peru would by the loss of revenue. The unhappy condition of Spain, where every species of calamity is combining to produce the last extreme of misery, can hardly be increased by any proscription of her manufactures. The fatal blow to these was given by the destruction of the immense monopoly they enjoyed, and rival productions have long since supplanted them; and so long as Spain blindly and obstinately refuses to recognise the independence of countries more powerful and vigorous than herself, the efforts of her merchants will be paralyzed, and her commerce and manufactures involved in common ruin, without the aid of prohibitory edicts by the independent States of South America.

I come now, sir, to remark on the infringement of neutral rights which was produced by this decree. If I understand its provisions, an American vessel having on board articles of Spanish produce, not contraband of war, and which may be freely transported, on entering the port of Callao to discharge a part of her cargo, with the intention of continuing her voyage to Chili or Buenos Ayres, where Spanish products are not prohibited, or to Manilla, to dispose of the goods of Spanish origin, may be seized and condemned. Is such vessel liable, by this decree, to a seizure by the custom-house here? and, if so, is not such seizure a violent infraction of neutral rights?

I submit another case. Suppose an American merchant ships on board a freighting vessel certain merchandise obnoxious to no municipal regulation of Peru, and the same vessel, unknown to him, may have merchandise of Spanish origin on board; on arriving at Callao, the vessel and the whole of the cargo are seized under this decree: shall the innocent shipper of goods entirely neutral and unobjectionable be liable to the loss of his property? and can such condemnation take place, without an entire viola-

tion of neutral rights? This, sir, is no imaginary case; it has actually occurred in the instance of the schooner *Mackerel*—a vessel which seemed destined to show all the defects and injustice of this decree. That was an English vessel that received freight indiscriminately at Valparaiso; and the shippers were American merchants, who put on board various articles of American and British production, entirely ignorant that any Spanish goods were on board. The vessel was seized; and these merchants, though they suffered great delay, expense, and vexation, had their property restored to them by the decision of the courts of justice.

Yet the decree, it appears, still remains in force; though, after the decision of that remarkable case, it was never supposed it would be again acted upon, till this unfortunate occurrence of the *Chesapeake*. In the instance of the *Mackerel*, all the transactions were fair and honest; but to show the extravagant provisions of this decree, and its violation of neutral rights, it will be only necessary to state a case that is far from being impossible. It is well known that, when vessels are receiving freight promiscuously, merchants neither do, nor can, ascertain the contents of the packages that may be shipped by others. Suppose, then, a conspiracy to get possession of a valuable vessel and cargo: an individual may ship one or two bales of Spanish goods as English or French merchandise, and, on the arrival of the vessel here, his agents denounce the obnoxious merchandise; and, by this decree, the whole of the cargo would be condemned. Is it possible to defend such a law?

It cannot be questioned, for a moment, that every nation has a right to prevent the entry into its territory of any description of merchandise, and that the policy of such prohibition is to be decided by its own Government. But when these measures are resorted to as a means of war, and restrict the commerce of neutral nations in articles otherwise free and innocent, it is considered by all writers on the laws of nations that such restriction should only be resorted to in case of necessity, and be tempered with as much indulgence as possible towards neutral nations, whose trade suffers, in consequence, loss and inconvenience. It is true, indeed, that the court of Spain has, more than once, complained to the Government of the United States that its conduct was not neutral: but this, I presume, will not prevent my country from being so considered; and perhaps the Government of Peru, recollecting some remarkable events, will esteem the United States not only a neutral, but a friendly nation, and, therefore, entitled to all the consideration in favor of its citizens which such a character can confer.

Although the Government of the United States considered this decree (viewed merely in the light of a municipal regulation) as singularly harsh and violent, they could not object to it while its penalties were only exercised against those who intentionally infringed it; and while its object, whether politic or not, was expressly founded on the principle of distressing their obstinate enemy, by the refusal to permit any of the produce of Spain to be brought here. But, when the decree of the 21st of October last was promulgated, by which this object was abandoned, and the admission of Spanish merchandise was offered as a premium for the introduction of another article, could neutral nations any longer suppose that the decree would be enforced against them? Is it consistent with the first principles of international justice, that a decree which subjected neutrals to inconvenience and loss, for the avowed purpose of coercing Spain, should, after abandoning that motive, convert its provisions into a bounty for its own



private convenience, while all its penalties are kept impending over the commerce of friendly nations?

After the publication of this last decree, corroborated by the remarkable case of the Mackerel, and the just and magnanimous decisions of the highest tribunals of the country to restore that vessel and cargo, including the Spanish manufactures it contained, to their owners, and knowing of no other case where it had ever been acted upon, I considered that, if not formally repealed, it would never be enforced. Actuated, therefore, as I have ever most sincerely been, to promote harmony between our respective countries, and to do away every cause of uneasiness, I communicated the above measure to my Government, with an opinion that no further *difficulties* could arise. This step on my part makes me the more anxious to ascertain, exactly, the manner in which the various points relative to this decree are now considered by the Government of Peru, that I may, without delay, communicate the same to my own.

I have the unpleasant task, on this occasion, to be obliged to mention the rude and violent manner of some of the subaltern officers and guards of the custom-house at Callao, on the occasion of the seizure of the Chesapeake, for an imaginary violation of the law—for, as yet, nothing is proved against the vessel. Without alluding to the violent steps at first directed against this vessel, and which, so far as I can ascertain, have been taken in no previous instance under this decree, one of the consignees, on going on board the vessel to see the captain on business, was opposed by the guard, who was ordered, by his chief, to draw his bayonet; thus insulting an unarmed gentleman in a visit which he had a right to make. I must here remark, that I have forbore, as much as possible, to trouble the Government with complaints in the too frequent occurrence of vexation, and even violence, experienced from some of the subaltern officers of the custom-house in Callao; and the proof of this reserve will be found in the fact, that in the only two instances in which the extremity of the case made such complaints indispensable, your excellency's predecessor ordered the most prompt redress, and went further even than I had proposed.

Your excellency will excuse this last allusion to the conduct I have pursued in the intercourse I have had the honor to hold with the Government of Peru, as this is one of the last official letters I shall have to write. I have the satisfaction to announce to you, that Mr. Cooley (appointed chargé d'affaires by the Government of the United States to the republic of Peru) has arrived in Valparaiso; and I hope, in the early part of this month, to see him in this capital.

I avail myself of this occasion to assure your excellency of the high consideration with which I am, &c. &c.

(No. 4.)

*To the same.*

LIMA, May 14, 1827.

SIR: As a safe opportunity will offer within a few days, by an American ship of war, of forwarding to my Government copies of the letters I have had the honor to address your excellency, in the case of the ship Ches-

peake, with a narrative of the circumstances that have occurred in that cause, I am very anxious to receive an answer to my letter of the 1st inst. to be forwarded at the same time. The points stated in that letter are merely of temporary interest, nor exclusively connected with the case of the Chesapeake, but involve general principles of extensive importance, which the Government of the United States will not disregard. I beg leave to request your excellency's attention to that subject, and to be favored with a reply on those points on which I requested an explanation of the views of this Government relative to the decree of April 17, 1825, and especially in connexion with that of October of last year, admitting Spanish merchandise.

I request your excellency to receive the assurances, &c.

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No. 60.

[EXTRACTS.]

*Mr. Tudor to Mr. Clay.*

LIMA, May 23, 1827.

SIR: Though Mr. Cooley will write by this opportunity, I will venture to give you a few brief details of political occurrences; and will continue to do so for a short period, until that gentleman shall have time to get acquainted with the new field he has come upon, and the characters also occupying it; after which, if not before, my letters will be superfluous.

I had a letter yesterday from Colonel Elisalde, commanding the division that entered Guayaquil, (as mentioned in previous letters,) dated 30th ult. He informs me that every thing proceeds most favorably; that on the 27th he despatched a column in the direction of Quito, to join the division under Bustamente, which last entered Cuenca on the 25th of the same month, and are all, doubtless, now in Quito. Bravo, the officer who was sent from here with the arrested chiefs, and with the documents to the Government, had also reached Cuenca, on his return from Bogota. General Santander had received the notice of the movement here with satisfaction; and had written to Bustamente, approving his conduct, and that he should send Colonel Ovando to take the command of the division. These steps were, of course, taken before he knew of the ulterior movements of this division, and the officer named to the command will probably meet them in Quito; and the Government of Bogota will find three departments restored to the constitutional Government, and a force of 3,000 troops to support it.

Sucre is extremely active, and attempting to distract the departments of Cuzco, Puno, and Arequipa, by his intrigues; but he stands on a quicksand, that is washing from under him every moment. The press is under the most rigid control, and observes, with strictness, one piece of quackery that is cautiously adhered to wherever Bolivar commands. His own name, that of *Bolivar*, and *Libertador*, are always printed in large capitals. He, some time since, removed all the prefects who were native of the country, and replaced them with Colombian officers; and, at the last accounts, was occupied in taking the sense of the people, who, under the protection of his bayonets, were to declare *freely* whether they wished

him to continue in a command which he "abhorred." This is the Bolivian phrase so often used in speaking of *command*, that it may be considered technical in that school. He must, however, every day receive intelligence to make his situation more desperate. The unanimous feeling in Peru against the usurpation; the quiet progress of the nation to the opening of the Congress, and restoring the Peruvian constitution; the departure of the Colombian troops, and their success in destroying the dictatorship in Colombia; the mutiny of the division that he had embarked for Panama—all these circumstances united will probably induce him to evacuate a country which, it is evident, he can no longer retain in submission. The whole of this Bolivar farce must, therefore, soon be everywhere at an end.

Congress has had four or five *preparatory* sessions, as they are called; about seventy members are present—the whole number 105. The committee for examining returns, qualifications, &c., found that 15 or 16 were irregular.

I had the pleasure of hearing from Guayaquil that General La Mar was to embark, on the 4th instant, for this place; and he may, therefore, be daily expected. His presence here will be equivalent to an addition of 5,000 men to the army of Peru—will give confidence and strength to the enlightened portion of Congress, and undoubtedly be followed by his election to the presidency of the republic.

I have the honor to be, with high respect,

Your obedient servant,

W. TUDOR.

Hon. HENRY CLAY,  
*Secretary of State.*

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No. 61.

*Mr. Tudor to Mr. Clay.*

LIMA, June 15, 1827.

SIR: The case of the ship Chesapeake has been finally decided, in the superior court, in favor of that vessel; and, no appeal being made, she has been entirely released. The recent political elections, by depriving the collector of the customs of the very extraordinary protection he received from General Santa Cruz and Mr. Vidaurre, have probably deterred him from a longer pursuit. I have given a brief of the argument to two or three members of Congress, which should induce a repeal of the decree made by the Dictator against Spanish merchandise; and hope, in the course of a few days, the subject will be taken up, and the decree annulled.

The Congress have now been in session about a fortnight. They have full powers to alter the Peruvian constitution, under which they assemble, and partake of the nature of a convention. The whole number is 104. About 90 are present; of these, 27 are ecclesiastics, 8 military men, and the remainder judges, lawyers, planters, &c. They are a respectable body in appearance; and though they have never had much practice as legislators, there is no deficiency of talent. Their first president, who holds the office for a month, is Dr. Luna Pizarro, one of the ablest, purest, and most liberal men whom I have ever known. On all constitutional and legisla-

tive business, in which he is equally ready and clear, he has more experience than any other member. He is inflexible in his patriotic and republican principles, but with the most amiable manners, and utterly without rancor or revenge against those who have most cruelly persecuted him. He, as well as two or three other ecclesiastics in the assembly, are instances of which every country in South America has furnished examples, the portion of the clergy, are among the most patriotic, enlightened, and liberal men in society.

The Congress, at present, consists of only one chamber. A regulation for a Senate exists in the constitution; but it was never organized, as, the same day the constitution was finally accepted, it was suspended by conferring the dictatorship on Bolivar; and when, after two years' exercise, the period arrived for his resigning that power, he destroyed the Congress, as I have described in former letters, and, with fraud and violence, forced his nondescript project on the country. A committee of eight are named for the revision of the constitution. The leaning of the departments, especially those of Cuzco and Arequipa, is in favor of a federal system, as, in fact, in all parts of South America the principal adherents of a consolidated republic reside in the capitals. Sensible men, even those who have an inclination for a federal system, (as, for instance, Dr. Luna Pizarro,) wish to proceed deliberately, and without rashness; first organizing the Government under the present constitution, and getting it in a way to recover from the disasters it has suffered, and regulate its finances—introducing, however, an article that the subject of a federal form shall be taken up four years hence, and that, in the mean time, precautions shall be taken to procure information relative to the different departments, to establish it advantageously, if such shall be the opinion of the majority at that period. In the second number of the *Lima Chronicle*, a new journal of great merit, (of which I send you the two numbers that have appeared,) edited by Mr. Pando, the late Minister of Foreign Affairs, there is an article headed "Mexico," which contains some information from Mexico, and a few general remarks relative to the federal system of government.

On the 9th instant, Congress proceeded to the choice of a President and Vice President of the republic; and the result makes the day the most fortunate one that Peru has known since the revolution. General La Mar was chosen by 58 votes, against Santa Cruz, who had 29; and Mr. Salazar was elected Vice President, by a less majority. The latter, in the absence of La Mar, was immediately installed in his office. He is about fifty-four, and known formerly as Count de Vista Florida; he is a man of spotless integrity, good sense, and a steady, consistent patriot. General La Mar is still at Guayaquil, and a deputation of three members of Congress sailed the day before yesterday, in a Peruvian brig of war, to bring him up from Guayaquil. I need not here repeat what I have said of him in former letters. He is the most irreproachable character in South America, surpassed by none in military valor and skill; and the only objection made against him is, that he is too scrupulously correct, too unambitious, and too kind and humane. The administration cannot be formed till his arrival; but with such chiefs, the fountain-head will be pure, and its influence will descend to the subordinate employments. Without doubt, he will insist on his friend, Luna Pizarro, becoming one of his ministers.

Fortunately, an opening offers to prevent Santa Cruz from feeling his disappointment too keenly, and keeping him in good-will with the Govern-

ment, which, it is but just to him to say, he seems, since the election, to have shown every disposition to preserve. It is well known that Sucre must soon evacuate the provinces of Upper Peru; Santa Cruz is a native of La Paz, and it is quite probable that he will be called to preside over that country, under a new constitution; and the Peruvian Government will aid his views in that respect, to cultivate hereafter a closer alliance, and perhaps partial federation.

The last news we have of General Bolivar is his resignation of the presidency of Colombia, in the beginning of February; the document is in his usual style of vehemence and feigned candor, to cover his views more effectually. To judge of his intentions, it will be, however, necessary to consider the state of affairs as he supposed them to be at the time. The two Perus, he presumed, were irrevocably and irretrievably in his power; his delegates of the dictatorship held possession of Guayaquil, Quito, Panama, Carthagena, &c.; he himself retained the supreme power in Venezuela, where, as usual, he had destroyed the liberty of the press. Referring then to his intercepted letter to Heres—in which he stated that the scheme of the grand Bolivian confederation (or empire) was in rapid progress—it will appear that he thus thought five out of the six States of which it was to be composed, were securely his, and the dissidents of Bogota would not be able to prevent Condinamarca from falling into the vortex. His confidential envoy, Colonel Salacios, had arrived at Rio de Janeiro, where he was received with extraordinary distinction, and would form his secret alliance with the Emperor of the Brazils.

When he finds all this great project dissolved, without a wreck behind, except of his own fame, by the mutiny of a small body of his own troops, how will he be affected! I think it probable he will pass the Styx or the Atlantic before the end of the year.

The whole career of this remarkable man must, ere long, be fully disclosed, and a sad disclosure it will be; forever some of his military feathers will be plucked away, and a long series of manœuvres to accomplish the most insane plan of ambition, and wither an illustrious reputation, will be made manifest. It was the practice of his satellites to gratify his vanity and increase his power—to attribute every thing to him; thus, the battle of Junin, that was principally owing to the brilliant valor of Necochea, and the steadiness of the Peruvian cavalry, (after the Colombians had faltered,) was entirely owing to him and the Colombians. But still more: the battle of Hayacucho, he being in Lima, was attributed to him; though, at the time, he gave almost the exclusive credit of it to Sucre, while it was chiefly due to La Mar.

It was always mysterious why Bolivar left the army previous to that memorable battle, and came down to Lima, accompanied by O'Higgins and a few attendants. The Spaniards at the time in Callao, confiding in the great superiority of their force, at first denied the report of his being on the coast; but when the fact could no longer be disputed, they asserted, with the utmost confidence, in their gazette, that he was either "mad or routed." I have always believed that he despaired of success, under the great disparity of force, and came to the coast ready to make his escape, if the event were unfortunate: when he would have had it circulated that it was owing to his being absent; and if his army were successful, he knew the glory would be appropriated to him by his servile admirers.

I had, recently, a full confirmation of his having despaired of success.

General Obregoso, prefect of Truxillo, received a letter from him, (which letter, he told me, he had now in his possession,) ordering him to pack up the public archives, and all the treasure, ready to be sent off, under escort of all the troops he had, (about 400 men,) in the direction of Quito; and that, in consequence of these orders, he had all the packages and every thing ready to execute them. The most fortunate and unexpected result of that battle rendered these precautions unnecessary.

I received, to-day, letters from Mr. Poinsett and Mr. Sergeant, dated 4th of April, and they inquire what probability there is of ministers being sent from here to the Congress of Tacubaya. I have spoken since with Dr. Luna Pizarro, and he thinks nothing will be done at present. He says that the Government, in the midst of all their poverty and misery, have expended \$100,000 this year in diplomatic missions, (to serve the caprices and private views of Bolivar,) all of which have been utterly useless. I am inclined to think that Congress will fall through, for the present at least.

Suspicion of Bolivar prevented Chili and Buenos Ayres from joining it. Peru will be very lukewarm; and the distracted condition of Colombia, and its removal to the Mexican territory, may disincline that country to continue their delegation.

The arrival of General La Mar is looked for with anxiety. The administration cannot be organized till he comes; and the conduct of La Fuente, prefect of Arequipa, and General Cerdeña, commanding the division of the army in the upper departments, who are nightly in a club with an agent of Sucre, and some other persons whose principles are doubtful, inspires some suspicion. After a short residence here, a visit of La Mar in that quarter will be necessary to quiet the public mind, and overawe factionous designs, if any such are entertained. Sucre's talents and disposition for intrigue, and the ruin of all his hopes, and those of his patron, (unless some extraordinary intrigue can save them,) make his vicinity always dangerous.

I have the honor to be, with high respect,

Your obedient servant,

W. TUDOR

Hon. HENRY CLAY,  
*Secretary of State.*

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No. 62.

*Mr. Tudor to Mr. Clay.*

LIMA, June 19, 1827.

SIR: Having just received, this evening, the third number of Mr. Pando's journal, of which I have already enclosed you the two first, I avail myself of the delay of the Peacock, which, we hear, does not sail till to-morrow, to send it to you; I do so on account of an article it contains respecting the Congress of Panama, and which alludes to an inquiry I made of him, which may almost be considered as official and conclusive. You will remember that, subsequently, as Minister of Foreign Affairs, he received the treaty or convention that was signed, and must have maturely considered it. His language serves to show that he always thought the

plan illusory, and that the political changes which have since occurred in Peru and Colombia have destroyed all hopes of any useful result. From the part he took with Bolivar, he is unpopular; but he is still believed, (as I think justly,) by the most dispassionate and intelligent patriots, to be strongly attached to his country, and his talents make it very desirable that he should be again employed in the public service. I should, therefore, not be surprised if he should be sent to Mexico to announce the secession from further participation in the Congress.

Dr. Luna Pizarro told me, last evening, that he had received a great many letters from Arequipa, by yesterday's mail; they all, without exception, declared that the opinion was unanimous in favor of La Mar for the presidency; his election, therefore, will be well received in that important department. An attempt of one or two petty officers to foment a disturbance among the troops, an account of which has been circulated with great exaggeration, had been discovered and punished. It seems that a sergeant (a Spaniard) and a corporal (a Peruvian) had tried to get some others to join them, raise a cry of *viva el Rey!* and, taking advantage of the confusion that would ensue, plunder the town, and fly to the country and act as *montenera* or *banditti*; they were denounced, tried, and shot, and all was quiet.

I have the honor to be,

With high respect,

Your obedient servant,

W. TUDOR.

Hon. HENRY CLAY,  
*Secretary of State.*

No. 63.

*Mr. Tudor to Mr. Clay.*

LIMA, July 23, 1827.

SIR: I have the honor to enclose report No. 7, of the American commerce in the port of Callao. The number of arrivals is less in this term than it has been in some others, but the general result of the voyages has been better. Flour has been bought in moderate quantities; and, during these last six months has averaged \$15 per barrel on board, so that a very handsome profit has been obtained. Other articles of American manufacture have yielded less, because the existing tariff has absorbed all the profits; under its provisions, the various articles of furniture, which have been brought in considerable quantities, will be nearly excluded, as their bulk makes the freight high; and this, added to the duties, will prevent their being shipped. Lard, burdened with 80 per cent. duty, cannot compete with the domestic production. Soap is still sold without loss, but the duty takes all the profit. These, with the exception of our coarse cottons, are the chief articles of our produce brought to this market.

The cotton goods form a branch of great importance in our trade with all South America; they are exactly suited to the wants of these countries, and their consumption is very great; no similar fabric is brought from Europe to rival them. In spite of the high duties, they are still sold at a

small profit; and, I think, will be a very great article in our commerce with the southern States of this continent, unless absolutely prohibited.

Congress have not yet taken up the business of the tariff, and it is impossible to form a conjecture what course they will follow. There are many intelligent practical men who are decidedly in favor of encouraging commerce, and preventing smuggling by a system of low duties; but there are many others who yet believe in the fallacy—now exploded among experienced financiers—that the higher the duty, the greater the revenue. Until the new tariff is settled, no permanent calculations can be made for the future.

The quantity of English manufactures brought here the last few months, has been somewhat less than formerly; and the great sacrifices which the recent pressure of the times obliged the merchants to make, will correct the excessive importation. The French trade has increased very considerably, but this will not be lasting; many of their goods have been sold at auction for less than the amount of duties, and the great expense at which their vessels are fitted out and navigated, will make their voyages altogether ruinous. The consequence will naturally be a great falling off in this sudden growth of their commerce with this coast. The Dutch, who sent some vessels here last year, have found no better results; and the great Dutch company, which intended to enter on the trade extensively, have not followed up their first adventure. On the whole, our trade has, perhaps, yielded a more favorable account than any other. As many of our vessels continue their voyages hence to the islands and continent of Asia, (which is not practised by other nations,) they commonly assist the final settlement of their voyages by this more complicated operation.

Several whaling and sealing vessels have entered Callao to obtain supplies, and have experienced the benefit of the regulation which I obtained from this Government last year, exempting them from the operation of the tonnage duties.

I have, sir, in some letters to the Secretary of the Navy, as well as to private individuals, dwelt much on the importance of a measure that I have also occasionally introduced in my letters to you: I allude to the establishment of regular and frequent packets from our ports, for the transportation of letters, passengers, and merchandise, to the isthmus, and corresponding lines on this side, along the coast of Guatemala and Mexico on the one hand, and that of Colombia, Peru, and Chili, on the other. The establishment of such packets will create a revolution in the trade of those countries of vast moment; it will carry it back to Panama, where it was originally established. The amount of the precious metals exported from the Pacific ports of the countries above named, in prosperous times, cannot be estimated at less than \$16,000,000 annually, and may exceed it; in addition, some of the principal articles of their export, indigo, Peruvian bark, &c., will take the same course. If you look at the map of these countries, you will perceive what is the extent of the interest to be affected by this operation, and how much nearer these countries (now so secluded from active intercourse, and difficult of access through a tedious voyage in doubling the southern extremity of this continent) will be brought to the ports of the Atlantic countries, with the United States especially; the difference will be almost incalculable in its consequences; we shall benefit much more than any other nation in the result, by greater comparative approximation; and I am persuaded, after much reflection on the subject, that



here is no part of our foreign trade that will exceed the value of that we shall obtain with these countries from Valparaiso to St. Blas, whenever a regular packet communication is established with them, and the rich products of the Pacific coast of America are transferred to the Atlantic by the isthmus, instead of making the circuit of Cape Horn. I beg, most respectfully, that this object may be fully considered at Washington, and that the Government will stimulate private enterprise to enter on the undertaking without delay, by every kind of encouragement that may be expedient.

I enclose an extract of a letter from my vice-consul, Mr. Harrison, at Truxillo, giving an account of our commerce with that port for a part of the last term.

I have the honor to be,  
With great respect,  
Your most obedient servant,  
W. TUDOR.

Hon. HENRY CLAY,  
*Secretary of State.*

P. S.—August 1: I enclose the report of my vice-consul, Mr. Cobb, at Arica, for the last year.  
W. T.

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No. 64.

*Mr. Tudor to Mr. Clay.*

LIMA, August 9, 1827.

SIR: Though I believe Mr. Cooley will write by this opportunity, I still venture to give you a sketch of the principal occurrences here since my last confidential letter of June 15th, as some of them may escape his notice, and as there is a considerable degree of interest attending the first steps of the only government Peru has yet known exempt from foreign influence.

I have, in my former letters, described the organization of Congress, the election of Dr. Luna Pizarro as first president, and, subsequently, the choice of General La Mar as President of the republic. It appeared, at this time, that the state of parties seemed to be about two-thirds for the administration, and the other composed of various factions in opposition. Towards the close of the presidency of Luna Pizarro, the majority brought forward what they called a law of amnesty, which was to be a decree of oblivion for all the various political desertions and offences that had occurred since the revolution; but this was to contain a few exceptions, and the persons excepted were to be banished for a period, until the Government could be organized, and there would be no longer any fear from their well-known disaffection and intrigues. It may, perhaps, be doubted whether the project was a wise one; but the manner in which it was conducted was singularly impolitic and dangerous to the party that moved it. In the first instance, the opposers cried out against the cruelty of hurrying through such a scheme, that might involve an unknown number in ruin.

It was only intended to operate against seven or eight persons: the archbishop elect, the late minister Lanea, two of his most obsequious agents, and half a dozen subordinate criminal instruments of his oppressions. The advocates protested against any disposition of hurrying it, but, though a justice and necessity were so obvious, that full time should be given for a consideration; and, in fact, nearly a week was passed in discussing the first provisions, still leaving untouched the most difficult point of all—the designation of the persons who were to suffer this temporary exile.

The individuals who had really cause to fear, were indefatigable in their efforts: they alarmed many with the idea that an extensive proscription would follow, and succeeded in forming a junction of the partisans of Riva Aguerro, those of Bolivar and of Santa Cruz. Dr. Luna Pizarro, finding this state of things, saved the mortification of a formal defeat, and got rid of the question, by making a reference to the Executive for information that was never intended to be asked for. But the mischief was produced, as was shown in the choice of the next president of Congress, when the majority had the surprise of seeing themselves left in a minority, and the vain, vicious, venal, inconsistent, presumptuous profligate, chosen to that office. This, however, was a union that could not be lasting; the friends of the administration retrieved their cause, and, at the end of Vidaurre's term, the original proportion of parties was restored of two to one, and Mr. Valdivisco, a judge of the supreme court, and one of the most respectable members, was elected. This minority will be still farther reduced when General La Mar takes possession of the Government.

Events have recently happened, which show the unprincipled character of the opposition, and the desperate intrigues to which they would resort: and although, in the first instance, they occasioned considerable uneasiness, yet the accounts from the interior lead to the hope that no permanent mischief will be produced. Immediately on the election of La Mar, the friends of Santa Cruz sent some printed papers to some of the provinces of Cuzco, setting forth that a faction had got possession of the Congress and intimidated the members; that General La Mar was illegally chosen, and that they must protest against the validity of the election. In consequence, one or two provinces, governed by adherents of Santa Cruz, held meetings and made a protest against the election; but this result was contemptible, and orders have gone for displacing these governors. At the same time, the faction here, not daring to send the printed papers to Arequipa, in which department the general voice is in favor of La Mar, wrote anonymous letters to the officers of the army, telling them that the majority in Congress wished to disband the army, and calling on them to resist; and this is the language which is known to have been held, both in writing and speaking; and in this manner he has attempted to secure a party in the army, but, it would appear, without effect. Indeed, his character as a military man, both in regard to valor and skill, is so infinitely inferior to that of La Mar, that he has no chance in competition. General Gamarra, the prefect of Cuzco, without military reputation, is the friend of Santa Cruz. General La Fuente, who, like Santa Cruz, was formerly the partisan of Riva Aguerro, and sacrificed him to gain favor with Bolivar, and is now prefect of Arequipa, has taken the side of La Mar and the administration.

The news of these scandalous intrigues produced a general feeling of indignation. The movers of them were intimidated at the echo of their counsels, and confounded at the slight effect they had operated. Congress

took the subject into consideration, and passed a decree, by a vote of 60 to 14, conferring extraordinary power on the Executive to displace any persons in office, and send out of the country any individuals who might be guilty of insurrectionary intrigues. This was equivalent to a suspension of the *habeas corpus*. No measures, however, have been taken under it, but the fear of its execution may deter the factions.

In the mean time, much anxiety was felt in relation to La Mar. The previous accounts had left him seriously ill, and delay on his part was injurious in many respects, by leaving the administration unorganized, and keeping up the hopes of the factions. But the last mail, which arrived two days since, brought the accounts of his entire recovery, and that he would embark the 18th ultimo, and he is now expected, at farthest, within ten days. I had no letter from him, but a very kind message in a short one to Dr. Luna Pizarro. In his letter to Congress, he intimates his intention of declining the office. They have acted on this; have appointed a committee to meet him at Callao, to inform him they will not admit his resignation, and to request him to come immediately and take the oath of office.

From the provinces of Upper Peru or Bolivia we have accounts, which, though very imperfect, from the jealous precautions that are taken to intercept information, are yet sufficient to show that General Sucre's difficulties are daily increasing. All letters are opened and examined, and not a newspaper from either Buenos Ayres or Peru is suffered to circulate. The people are growing more tired of their foreign oppressors, and conspiracies are forming in all parts. I have lately seen a very exact statement of the number and distribution of the military force under the command of Sucre. The whole amounts to 2,800 men: of these, 700 are Bolivians, and 2,100 nominally Colombians, but containing 800 Peruvian recruits. The whole of the Colombian soldiers is, therefore, only 1,300. Such a force as this to maintain so extensive a country in unwilling submission, cannot be long adequate to its object, notwithstanding the ability and activity of its chief.

The last mail from the north brought an account of the unfortunate decision in the Congress of Bogota of an interesting question, whether the resignation of Bolivar should be accepted. It appears that his adherents triumphed, and the resignation was refused. Had a contrary decision taken place, he seemed to have no resource left but to embark for Europe. At the time he made this resignation, he was probably indifferent whether it was accepted or not; though, no doubt, with the expectation that it would be, as usual, refused: it is a trick that he has repeated to satiety. But when the news of the revolution in Peru reached him, the only hope of relieving his fortune was in the refusal to accept his resignation. He has accomplished his object, and now returns to Bogota to exercise his dictatorial powers; for, in a letter to a member of Congress, I am told that he declares he cannot change his plans. He has come to an open quarrel with Santander, and will be deeply exasperated against the liberal party. Some accounts say that he exhibits all the furious spirit that has been for some time dormant. Colonel O'Leary, his former aid-de-camp, wrote here by the preceding mail, that he had received the news of the events in Lima "with the bitterest grief." If he adopts sanguinary measures, a cruel civil war is certain. If I may trust some accounts that have been sent me, the people of Venezuela will mutiny like those of Peru, as soon as his back is turned. His agents are numerous, but the patriots are resolute and indignant; and letters from different persons in Colombia, by the last mail, which

I have received, predict a long and cruel civil war to desolate many parts of that unfortunate country.

I am told (for I have not seen the paper containing the documents) that the English and American *chargés d'affaires* interfered in this question, and their opinions in favor of General Bolivar's resuming the command had influence on some of the members. With respect to the English agent, political sympathies may have had their effect; for I have found some English agents supporting Bolivar, because he was overthrowing republican systems, which they hated; but a more substantial reason probably was, the belief that his remaining at the head would keep the country together, and thus give a better chance of recovering the heavy debts they owe in England. Yet, if it were so, it was an erroneous calculation. General Bolivar's element is war, and, as long as he lives, all the resources of these countries will be expended in it, and not in economizing their expenditures, or paying their debts. With respect to the American agent, neither of these motives could have prevailed; but if he took the side of Bolivar against the patriotic party in Colombia, it was a most unhappy error. I have heard several strong expressions of surprise, both from Colombian and Peruvian patriots, at the step he has taken; but he had, probably, reasons of which I am ignorant.

It may now be presumed that Bolivar, on his return to Bogota, will dissolve the Congress after obtaining a vote to continue his "*facultades extraordinarias*," or dictatorial power, and under the promise to assemble at a future day the "grand national diet," according to the last phraseology. He will, probably, then proceed to form that part of his great federal empire, of which Colombia was to compose three States. If he is able to carry on these measures without provoking a civil war, he will undoubtedly take measures promptly to animate his partisans in this country, and, as soon as circumstances permit, prepare a force in Quito and Guayaquil, to "protect Peru," and deliver it from "anarchy." This supposition is by no means extravagant, considering his ardent, inflexible character, irritated by the mortifications he has suffered. This course he will probably pursue in any event, and, if Sucre is able to maintain his position, it may be considered certain. There is not a particle of popular feeling, in any part of Peru, in his favor; but there are many unprincipled individuals, who expected to make their fortunes under his protection, and who will, no doubt, be ready to second his designs. These are, indeed, only speculations; but they are founded on a knowledge of his character and views, and on the consideration of past events, which, I fear, the future will not contradict. Peru will have an army of about 7,000 men, a superior squadron in this sea, and the most able and beloved general in South America, to act in her defense. Whether these will be sufficient for success, time must determine.

The language of General Bolivar (which he used to me, and which he and his agents always employ,) is, that the people of these countries are incapable of maintaining a free Government. This doctrine is accompanied with the most jealous tyranny and rank selfishness in action, while it is attempted to be concealed by the most glaring pretensions to disinterestedness and respect for the rights of the people. The parts of usurper and demagogue were never more impudently blended.

It is unfortunately true, that the people of this country are ill prepared for supporting a free Government; but, it is equally true, that they never will be quiet under a despotism. The spirit of the age has its influence

here as elsewhere; the current may be impeded or diverted for a time, only to resume its course with accumulated strength. South America is destined to try, at least for a long time, to establish a popular and liberal system; they may, and probably will, suffer numerous reverses and actionous disturbances; but, by these very events, will acquire intelligence and experience, and the representative system, more or less purified, must eventually triumph.

The plans of Bolivar cannot even assure a hope of the sad tranquillity which is the only compensation of some despotisms. His autocracy is avowedly a military one; his restless ambition and enormous egotism, reckless of all the misery which an insane eagerness for empire must create, will be, through his life, encroaching, wasting, and desolating. In taking Napoleon for his model, he has reveries of madness, in which he aspires to go beyond him, while there are essential defects in his character, that would forever prevent his equalling him, even under the most continued favors of fortune. Were his schemes of empire, from the isthmus to the cape, completed, there is a *plus ultra* to be acquired. But even with his immediate projects, the obstacles are so great, the materials so discordant, the effects so entirely produced by fraud and force, that his erections fall into sudden ruin like card-houses, by the mere *vis inertiae* of the people. Still, that persevering ardor, that intense love of action, that burning impetuosity which laid the foundation of his heroic fame, will lead him on to ravage and oppress, what he early sought to establish and defend, and to exchange the character of a patriot for that of a tyrant. The local interests which this subject inspires, lead me, I fear, to tire you with speculations on the character and prospects of this extraordinary man, who might have continued to form the hope and glory of these countries, as he now does their dread; and trust you will excuse me, while I beg, you to receive the assurances of the high respect with which I am

Your obedient servant,

W. TUDOR.

Hon. HENRY CLAY,  
*Secretary of State.*

POSTSCRIPT.—August 10.—I saw, yesterday, with utter astonishment, the letter of Mr. Watts to General Bolivar, to which I have before alluded, but which I had only known by report. It was published in the *Mercurio Limano*, a new journal of which Mr. Pando is the editor, and I enclose the number that you may see how he introduces it. He was one of the most able and faithful of Bolivar's ministers, but is still a patriot, and will, I am convinced, honestly oppose his designs on this country.

This letter has caused much surprise and disapprobation. I am convinced, from its intrinsic evidence, that Mr. W. did not write it; neither the style nor the sentiments are those of an American. He is probably intimate with some of the adherents of Bolivar, who are always artfully and vehemently giving unbounded praise to their patron. I suspect that some of these insidiously persuaded Mr. Watts to this interference; and that, perhaps, distrusting his own knowledge of Spanish, engaged him to draw it up, and then incautiously signed it. The most servile agent of Bolivar could not have used more extravagant, and (to these republics) more offensive language, while he was at the height of his power. Feeling, from what had been already said and written to me, how much it

might prejudice us here, especially as Mr. Watts assumes, rather ostentatiously, to speak in the name and as the representative of his Government, and not only takes an open part against the patriots of Colombia, but, in a manner, enlarges his jurisdiction over two other republics, I suggested to Mr. Cooley that he should address a note to this Government, disclaiming any such feeling towards Peru, on the part of the Government of the United States, as is shown in this letter. I found that he had felt the same impression in respect to it, and he tells me he has written a note to the Minister of Foreign Affairs on the subject.

I saw (to day) Mr. Serrano, the minister from Bolivia, and his first exclamations were on the extraordinary letter above mentioned. I explained to him that it was only the indiscretion of an individual, and did not accord with the feelings either of his Government or countrymen. Mr. Serrano then showed me some important despatches he had received, yesterday, from his Government. One letter was to offer their congratulations on the election of La Mar. This event has probably hastened the measures treated of in another. I mentioned to you, in a former letter, that Sucre had announced to this Government his intention of sending home the Colombian troops, and asking consent for their passage through the territory, and embarking at Arica. He has now given orders to renew the request, with the notice that one battalion will reach Arica in September, and the others will follow as soon as convenient. He also showed me an official article in the Government gazette, in which General Arenales had been treated with as an agent of Buenos Ayres, and that friendly measures were to be taken to restore intercourse with that republic. It, therefore, appears that Sucre has determined to evacuate as soon as possible, and to leave the country in friendly feelings with its neighbors. This is a very important event, and a vast relief to Peru; though these troops will probably go to Guayaquil, and will, therefore, serve the designs of Bolívar in that district and Quito.

Mr. Serrano has recently published a paper, in answer to another that appeared here. It is written with too much irritation, which is to be excused by the state of extreme ill health and suffering he has endured for some time. I enclose it as containing many facts relative to the revolutionary movements of a country little known: it is evident his object is rather to defend the independence of his country, than the government of General Sucre, which he admitted to me; he begged me to talk with Dr. Luna Pizarro, and urge upon him the policy of Peru taking the same course with Buenos Ayres, and acknowledging the independence of Bolivia; and, in consequence, I called on that gentleman; he was in favor of recognising their independence, so far as to declare that they should take no steps for their aggregation to Peru; that they disclaimed any intention to interfere with their Government or territory, but that they would hold no intercourse with the Government while the country was under the domination of foreign bayonets. Such a declaration will be the most effectual means to secure the good-will of those provinces, and accelerate the departure of the Colombians. Dr. Luna Pizarro has made an engagement with me to call together on Mr. Serrano, and talk over the subject to-morrow.

Repeating the assurances of my respect, I am

Your obedient servant,

W. TUDOR.

Hon. HENRY CLAY,  
*Secretary of State.*

No. 65.

*Mr. Tudor to Mr. Clay.*

LIMA, August 23, 1827.

SIR: General La Mar reached this city on the 19th instant, in the evening, *incog.*: he had landed at Chancai the night before, and entered in this manner to avoid parade, for which triumphal arches and other preparations were ready. His arrival has put an end to anxiety, and caused general satisfaction. A committee of Congress waited on him the next day, to declare that his resignation of the presidency would not be admitted, and calling upon him to take the oath. Yesterday was appointed for that ceremony, and he was regularly established in his office; and thus, for the first time since the revolution, Peru has a regularly constitutional organized Government, emanating from the will of the people, uninfluenced by any foreign interference.

We had yesterday a large public dinner at the palace, at which a number of complimentary toasts to the new President were given; at the conclusion of which he rose and gave the following: "May the dagger be ready whenever La Mar forfeits the confidence with which his fellow-citizens have so generously honored him." I may here note a little circumstance characteristic of the present policy: The day preceding, the Vice President gave a dinner to the particular friends of General La Mar, in which number I had the honor to be included. A number of toasts were given—most of which contained some compliment or allusion to the United States, for which La Mar has an enthusiastic admiration, and whose institutions are held up as the model for imitation. In the days of Bolivar, especially after his system of usurpation was matured, every allusion of this kind was carefully avoided.

I was told, yesterday, by the secretary of the Bolivian minister, (the latter being confined with illness,) that he had just received letters from La Paz, his native city, and that a revolution against the Government had been effected. The Minister of Foreign Affairs told me that they did not believe in the sincerity of Sucre's intentions to evacuate; and that the troops he intended to embark would only consist of disaffected officers and recruits of the country.

I am happy to inform you that the communication of Mr. Cooley, disclaiming the extraordinary letter of Mr. Watts, as being the sentiments of his Government in the affairs of these countries, has given great satisfaction here, and produced the best effect. The views of General Bolivar are not yet openly developed; but they may be conjectured, as well from his haughty, vindictive, unrelenting character, as from two very ominous recent measures: the first, his having ordered all the officers of the third division, who produced the revolution in Lima, to be sent to Bocca Chica, the most pestilent *presidio* in Colombia; the second, his dry, insulting answer to Santander, communicating the information of the revolution, which, I am told, was as follows: "I am informed of the movements that have taken place in Lima. God preserve you many years." Though little confidence could have been placed in any declaration he might have made, yet, the opportunity being disregarded of disclaiming all views of domination over this country, leads to the inevitable inference that he means to persevere in them; however, with La Mar at their head, the army and the nation will

feel confident that they will not be betrayed, and Peru is, for the present, safe against his attempts.

While making a visit, a few days since, to the English vice-consul, he had in hand his accounts for disbursements for seamen : the amount for the last quarter was upwards of \$2,300, and he thought the total for the year would not be less than \$9,000. My disbursements will not average more than \$400 a year. The number of seamen of both nations usually here is about the same, though probably there are more English stationed in the country, employed in the Peruvian navy and coasting trade, the remains of those brought by Lord Cochrane, &c. One cause of this excess of expense, however, is having established an hospital of their own at Bella Vista, administered by an English physician, who charges fourteen rials a day for each patient. The Americans who fall sick, I send, as the English did till recently, to the military hospital in this city, where the charge for each is four rials a day, and which establishment is, I believe, well administered. Another item that increases the English expenditure is in the burial of those who die ; the charge for interment, of those who die in the hospital here, is two dollars ; those who die in the English hospital, are buried on the island of St. Lorenzo, and the expense is \$30 for each.

Considerations connected with the last circumstance mentioned are the motives for introducing this subject. One object with the English Government is, to obtain leave to have a Protestant chapel, or at least a Protestant burying ground, which latter may prepare the way for the other. With this view, I presume it is, that they bury all their dead on St. Lorenzo, where several American and English officers, as well as seamen, are interred, with the intention to transfer their remains to a regular cemetery, whenever permission for one is obtained. If you think it advisable that the same course should be pursued with regard to our interments, I beg you to give instructions for that purpose ; and, also, with regard to sending patients to the English hospital at Bella Vista, or to the hospital in this city. If the patients who die in the hospital here, should be buried on the island, the expense will be a little more than from Bella Vista, as the latter is only two miles from Callao. As the number of our seamen who die here will not probably exceed four or five annually, the amount of expense will not be important. I submit this subject for your consideration.

I have the honor to be,

With high respect,

Your most obedient servant,

W. TUDOR.

Hon. HENRY CLAY,  
*Secretary of State.*

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No. 66.

*Mr. Tudor to Mr. Clay.*

LIMA, September 19, 1827.

SIR : As Mr. Cooley writes to you by the present opportunity, I have only to offer a few details on some political occurrences which may not be communicated by him. I have great pleasure in saying that the present



aspect of affairs is very favorable. The administration of General La Mar is already proved to be founded on those principles of integrity and sound republican feeling, that encourage the best hopes for the future. After his installation, and having reconnoitred the situation of affairs for a few days, he began at once that system of reform which is so necessary to the progress of this country. All the silly monarchical display of guards, with its attendant expenses, was at once quietly abolished. When he goes to any public amusement, (which is seldom, and none of which were ever omitted by his predecessor,) it is with the least possible parade. There were upwards of two thousand troops in Lima, retained at great expense in this excessively dear city, clothed in the most costly and showy uniforms, doing nothing, but both officers and men losing all discipline in the midst of the vices of the capital. Most of these troops have been ordered in different directions, where the expense will be less, their discipline restored, and ranks recruited. He has also begun reforms in the civil departments, and, in the Department of State alone, has economized \$9,000 a year by the dismissal of supernumerary clerks. Bolivar multiplied titles and places with the most profligate profusion, merely to secure adherents: the army of Peru had five or six grand marshals; its navy, two admirals, &c. The object of General La Mar is to restore the credit of the country; and on various occasions that he has touched on this subject, in conversation with me, he seemed to feel the debts of the republic as if they were his own.

Congress continues its labors slowly. A subject that has occupied them for some days, and is not yet settled, is that of the mitres improperly bestowed by Bolivar. The primacy of Lima and three bishoprics were filled by him. Two of the bishops resigned; the other two hold on with true clerical pertinacity. The question would not, perhaps, have been agitated, except for the archbishop, an intriguing monk, one of the most devoted agents of Bolivar, and who took a principal part in the treacherous dissolution of the last Congress, and used every effort to aid the usurpation of Bolivar. There is no doubt these nominations will be cancelled, and, as a further reason, it will save \$20,000 a year to the treasury. The chief duty of Congress is that of revising the constitution. The committee, whose chairman is Dr. Luna Pizarro, have nearly completed their labors; their report will be printed the end of this month, left a few weeks for consideration, and its discussion probably terminated at the close of the year, when they will adjourn. The principal points are the organization of a senatorial branch, and a change in the criminal law, by which verbal pleadings will be introduced, and the trial by jury. Both these objects, it is thought, will be carried.

I was in hopes to have been able to give some official information respecting the part Peru will take relative to the Congress of Tacubaya. From the letters I received from Mr. Poinsett and Mr. Sergeant, I felt great impatience to relieve them from their suspense, and I told Mr. Cooley what those gentlemen had written me before his arrival. An opportunity occurred that enabled me to introduce the subject. General La Mar having one evening surprised me with an unceremonious visit, in consequence of my absence, through indisposition, from a public party at the palace, and having passed all the evening with me, I mentioned this subject, which I was desirous to bring to his attention; he named, at my request, the next evening for an interview on the subject. I saw Dr. Luna Pizarro, and he

agreed to go with me. I stated, at this interview, to the general, the awkward situation of that Congress, paralyzed for want of the Peruvian delegates; and that, whatever course Peru might adopt in respect to their proceedings, it was absolutely incumbent on the Government to send a minister to signify their intentions. I asked leave, also, to make some other suggestions as to the expediency of uniting with the mission a power to open friendly relations with Mexico, which various considerations combined to make expedient.

He answered that, with respect to foreign missions, after the strange reverses and prostration Peru had suffered, and the sad state of her finances, until she could offer some appearance of a regular and stable Government, and restore her finances, her envoys would be slighted abroad, and their country viewed with contempt; still, however, that this Congress of Tacubaya presented a case of necessity, and also the suggestions of policy respecting Mexico had great weight. It was then agreed that Dr. Luna Pizarro should the next day call up the subject in Congress, which was done. After the decision there, the Executive will name a minister, if authorized. The subject was next day referred to a committee, but they have not yet reported, their attention being taken up with the discussion about the mitres. Dr. Luna Pizarro showed me, in confidence, the treaties and journal of proceedings in Panama; and those treaties seem to be null, by the attempted autocracy of Bolivar, which violated one of their conditions, and by the actual situation of Colombia and Central America. I am writing to Mexico, by a vessel sailing to-morrow; and the doctor has told me that I might give the assurance that Peru would not ratify those treaties, and that a minister will be sent from here to declare her secession from the Congress, and all further proceedings of that assembly at the present period.

The intimate and frank manner with which General La Mar treats me, and the facility of conversing with him in Spanish or French, have made me avail myself of the occasion as it offered, though these topics belong to Mr. Cooley rather than to me: but I explained to him what passed, and he was satisfied that it was from no wish to assume in me; and intercourse on his part is embarrassed by his not speaking the language. I wished him, however, to follow up what I had done; and we went together to see the President, when he communicated to him that he was instructed to inform this Government, as (if I recollect right) he had already done in writing, that power had been given to our ministers to enter into treaties. The President expressed to us a strong wish to enter into the most amicable relations with the United States, and that the question of giving powers to treat in Mexico should be considered.

Subsequent to that interview, while talking with him on another topic, he incidentally mentioned that he thought of sending the present Minister of the Treasury to Mexico, and to proceed afterwards to the United States; but nothing is yet decided as to the person to be appointed: it may be Mr. Pando, or it may be Mr. Vidaurre, whom they wish to send away.

By the last courier from Guayaquil, I had a letter from an officer there which gave me some curious particulars relative to General Bolivar. A Captain Ramirez, a Colombian, married in Peru, had reached that place on his way to join his family in Arequipa, doubtless forwarded by Bolivar. He was charged with several letters from Gen. B. to various individuals, but in which he avoided politics, not to compromise the officer; but gave

him verbal instructions, and which he or others communicated. Bolivar supposed the Colombian division to be still in Lima, and that a counter-movement might be made. He sent a message to Lieutenant Colonel Bustamante, their leader, to this effect: that if he would bring round a counter-revolution, and support the Bolivian constitution, he would make him *Count of Lima*; that he must not play the fool; that he must know that he was the greatest man in the world, and that, if he acted as he advised, he might count on his protection; but, if otherwise, to tremble, for he would pursue him even beyond the grave. Bustamante has since come here. He said that Bolivar was entirely disliked by the people of Venezuela; that he had no others but four generals to support him; that he distrusted the people and troops of the country, and that he had formed his guard of the Peruvian cavalry, who were furnished with muskets; and sentinels were placed even in the windows; that this situation had harassed him exceedingly, and that he had grown bald and very much broken.

Three days since we had a sequel to this intelligence, in the arrival of his proclamation of June 17, and which seems to have been dictated in a sudden impulse of fury, like the true spring of a tiger. He had just learned the news that the Colombian division had not only left Peru, but was abolishing his dictatorship in the southern departments. This was, indeed, "the light bursting in upon him through the yawning chasm of his ruin." He saw what he could not before believe, that Peru was lost, and Colombia nearly rescued from his grasp; and at once, in desperation, he vented his rage and his threats, and, without waiting to know the result of his intrigues in Bogota, put himself in march. His agents endeavored to spread terror before him; and Colonel Mosquera, the former Intendant of Guayaquil, wrote that he was employed by General Bolivar to command there, and that the latter was on his march with 8,000 men. He will, however, learn, on his arrival at Bogota, that the division he menaces was already dispersed, two of the battalions having been sent to Panama, and he will probably find more obstacles than he expected in the capital. I saw General La Mar the same evening of the proclamation, and he expressed to me his indignation at its falsehood, inconsistency, and impudence, in the most energetic manner. This proclamation has had a good effect here; it has undoubtedly hastened the decision of the Congress in regard to the bishops; as, since the former part of this letter was written, I have heard the question was decided against Bolivar's nominations, with a minority of only thirteen. I enclose a copy of the proclamation in the *Mercurio* of yesterday. It contains some animated comments of the editor. This editor is Mr. Pando, the most able and zealous of Bolivar's late ministers, but who is, I believe, true to his country. Their source makes them interesting, as well as the matter. The unlucky interference of Mr. Watts is again alluded to.

Peru is safe, with La Mar at the head; and she stands between Bolivar and the enslaving of all South America. The difficulties of Sucre are constantly increasing; and by the last mail the news came of his calling a Congress. It is thought he cannot maintain his position. Conspiracy is rife in all his provinces. The Presidente frigate is now ready for sea, and the threat of Bolivar, if executed, will require her being soon under way. Admiral Guise called on me to-day, and told me that the Minister of War had assured him that General La Mar meant to put him in active command

to-day or to-morrow. He is the only officer to be intrusted with a service that may become of the most important description.

I have the honor to be,

With high respect,

Your obedient servant,

W. TUDOR

HON. HENRY CLAY,  
*Secretary of State.*

P. S.—I have just made a call on the President, to inquire if there was any thing new to communicate. He took up some Bogota papers received yesterday, and there found a renewed resignation of General Bolivar, couched in the most positive terms, addressed to the President of the Senate, on the 21st of April, and which was not known here, but makes the reflections on his June proclamation still stronger, and his conduct yet more wild and inconsistent.

W. T.

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No. 67.

[EXTRACTS.]

*Mr. Tudor to Mr. Clay.*

LIMA, November 7, 1827

SIR: Absence from this city for a few weeks, to try what a change of air at a neighboring village, on the seashore, would do for my impaired state of health, has prevented my addressing you since the 12th of September: which, however, is of little moment, as my letters are merely supplementary to those of Mr. Cooley; yet the affairs of this country are sufficiently critical to make me continue my correspondence as occasion offers.

The attention of Peru, as respects exterior concerns, is converged exclusively upon two individuals—Bolívar and Sucre; and I will begin by relating the last intelligence of the latter. The Condor, the official gazette of Sucre, of the date of the 4th ultimo, received last week, contains some important documents—the official letter of La Mar, communicating his installation in the presidency, and the answer of Sucre, which is a kind of recognition of that republic; further, a general order to the army, to prepare to embark for Colombia, in three divisions, to depart as fast as transports could be obtained, in October, November, and December. Official comments on this measure, stating that it had long been contemplated and desired, but both Peru and Buenos Ayres affecting to urge it in a threatening style, had prevented its being effected. That now Peru, being under the presidency of La Mar, whose high character might be confided in, and the most amicable relations existing with Buenos Ayres, the wished-for moment had arrived, which was urged by the very powerful considerations that Colombia was very impatient for the return of her troops; that the President was equally desirous of returning to Colombia; and that the Congress summoned for the beginning of the year might assemble without having a single foreign bayonet in the country. Besides these papers, there was another, respecting the pay of the arrears of the troops, stating that the

treasury was too exhausted to complete it, but the patriotism of the troops would accept a part, and an obligation for the remainder in monthly instalments.

Besides these published documents, Sucre wrote also private letters to La Mar, urging a free permission for the passage and embarkation of the troops without delay. I asked the general his opinion as to the real intention. He said I had all the means of forming one that he had. These documents are more formal and decisive than any that have yet appeared, but the event is doubtful. The fact is, that the school of Bolivar is one that, from the beginning, has insulted the world with a more shameless prostitution of language, to serve the purposes of tyranny, than any which even the sad history of conspirators and usurpers has hitherto afforded. Their favorite text-book is Machiavel, and their practice increased, if possible, in atrocity beyond that of the Italian factions in the times of the Florentine republic. Sucre is one of the ablest adepts in this school; and with superior skill and judgment, and less headstrong violence, he has often followed his own opinion in opposition to that of his master, who has subsequently admitted its soundness. It is to be observed, that Sucre has strong personal motives to lead him to evacuate. He is tired of the country, which he knows is only retained by force in a constrained and reluctant obedience. He has been long engaged to marry a young heiress in Quito, with very extensive possessions; and he is aware that these concerns, as well as those of politics and war, are often exposed to mortifying reverses. Besides, his communications must have been considerably interrupted with Bolivar; and from the tone held by the patriots of Bogota, he might infer his fortunes were on the wane, and his plans defeated, at least in their original extent; and, especially, that he could render him more effectual service with his troops, by sustaining his cause in the southern departments. Fortunately, the immense distance between them operates favorably; and if he begins his retreat before he gets counter-orders from Bolivar, it will be too late to retrace his steps. General Flores, at present commanding the southern departments of Colombia, despatched an officer with letters to him, containing, however, none from Bolivar. The vessel did not intend to touch here; but, after landing Mr. Wheelwright, our consul at Guayaquil, in Huacho, pursued her voyage to the Intermedios; but receiving some damage, was obliged to enter Callao. The Government immediately stopped her for examination. The officer threw over his despatches, but a great number of letters have been found, containing much information from the agents of Bolivar, respecting his views and plans, urging Sucre in the strongest manner to remain. Another vessel was ready at Guayaquil, to start on the same destination, the moment the expected orders should be received from Bolivar. These cannot reach Sucre before the middle or end of December. If there is any sincerity in his recent declarations, it will then be too late. I may add on this topic, that the Bolivian minister, Mr. Serrano, fully believes Sucre is determined to retire. It is true he is distrusted here; but the very confidential tone and apparently sincere manner in which he has talked to me of the situation of Upper Peru, and his own opinions respecting its affairs, leads me to believe in the sincerity of his assertions, and, to a considerable degree, in the accuracy of his opinions. But the system of deception is so rank in these countries; they have struggled so long against ecclesiastical, vice-regal, and military tyranny, without any other shield; and most of their public charac-

ters are so deeply and habitually imbued with it, that professions and assertions, which, in other men, would have a greater or less degree of weight, are perhaps here to be utterly disregarded.

The mail did not bring accounts later than the 8th of September from Bogota, under which date General La Mar told me he had letters from Santander. But by an express sent subsequently to Guayaquil, it was officially communicated that Bolivar had taken the oaths as President of the republic, on the 10th, and made various appointments for the southern departments, and issued a proclamation to the people of Guayaquil, breathing nothing but mildness and benevolence; his agents, however, in all the papers under their control, are calumniating, with the greatest acrimony, the conduct of La Mar, and every other patriot who was opposed to the dictatorship, or took a share in restoring that department to the sphere of the constitution.

The tenor of the previous accounts received from Bogota led to the belief that Santander and the patriotic party were inflexibly resolved not to yield to the arbitrary intentions of Bolivar; that the people of Bogota were unanimously against him; and that in Popayan, Pasto, Quito, and Cuenca, the officers and troops were entirely devoted to Santander and the constitution; that Flores, in Guayaquil, with 500 men, was the only officer in command addicted to Bolivar, and that he would speedily be driven out. These statements were sent by an officer, express, in a confidential letter of October 13, from General Escobedo, who had enjoyed the confidence of Santander, and, being about to be arrested by Flores, made his escape to Piura, in Peru. This officer (Escobedo) was sent from hence at the beginning of the year, with the medals and other documents announcing to Bolivar that his constitution had been accepted, he chosen President for life, &c., &c. These despatches were retained by this officer, and have been returned to this Government, so that his title-deeds to Peru have never reached him.

The letter of Bolivar to the Senate, on the subject of reducing the army, is very remarkable. He there objects to the grand convention which, in his previous proclamations, he said was the universal cry of Colombia. He objects to the project of federation, and also says that the present constitution will not answer. He does not say, indeed, what will; but leaves the inference that the strange monster of his own brain and name is the only palladium, and this he probably means to bring forward; but as the session of Congress was at an end, and he objects to the convention, he will probably remain for the present with the naked dictatorship, which he pretends even to his vaunted project.

The answer of the Senate, revoking the decree for the decrease of the army, and submitting themselves expressly to his opinions, shows a deplorable weakness on their part. A letter was shown me last evening by Dr. Luna Pizarro, which, however, General La Mar laughed at as a weak device of the enemy. It came by the last mail, without date or signature, but apparently written with great feeling, saying that there was no hope for the patriots of Colombia; that they were disheartened and overthrown; that Bolivar was collecting an army of 20,000 men; that he would trample on Colombia, and revenge himself on Peru, and that they must depend on themselves alone. It was either the exaggeration of some frightened, discouraged individual, or an insidious attempt, under the disguise of friendship, to paralyze the patriots with dread.

The plan of Bolivar, as extracted from his agents, is to collect a large

force in Guayaquil ; to make out a list of griefs against Peru, and to send emissaries, who may join with his adherents in the country, to stir up some villages or towns to declare for him and solicit his return ; and then, under the pretext that the country is a prey to factions and in a state of anarchy, to invade it. Party, he has none in the country ; there are a few individuals (and they are very few) who sold themselves entirely to his service, who are wholly discredited in consequence, and who unquestionably sigh for his return, as all their hopes of fortune or employment depend upon him ; but the number of these persons is very inconsiderable. I doubt if the whole, who are of any note, would exceed twenty.

Peru is now with most of the disadvantages of a state of war, without being able to take any of the measures that would animate public feeling. They are obliged to dissimulate, and suppose peace, where they know that the most insidious but rancorous hostility is preparing measures for their ruin ; however, they are not idle. The army is collecting in the north ; the corps are all completing with recruits ; the militia everywhere forced to take their turn of local duty ; horses, to remount the cavalry, are on the way from Chili. Six military officers, who are members of Congress, were urgently called for by the President, and have had leave of absence this week to place themselves at his orders. A force of 7,000 or 8,000 men will probably be collected in the northern quarter, ready to meet the invaders. If Bolivar is able wholly to subdue all patriotic feeling in Colombia, he will have a larger army at his orders than this of Peru ; but if, as I believe, he can hold no ground but what he maintains with a military force, his strength will be so much weakened, that he cannot bring a larger force than he will have to encounter. Peru is deficient in good officers, but has some ; and in La Mar, she has the first general in South America, superior in coolness, judgment, and skill, and equal in valor to Bolivar himself.

Is it not, sir, however, monstrous that all these countries should thus be cursed with all the calamities of war, merely that the insane egotism and vanity, the profligate ambition of a single individual, should be gratified ; and that this paltry, absurd imitation of Napoleon, should be carried into effect ; that such extensive countries should be convulsed and desolated ? and this, too, for a scheme which, if it could be realized by its author, it is evident must perish with him, and leave no other inheritance but civil war to the next generation. It seems to me that there are many obvious motives why the United States and England should be averse to seeing his usurpation successful ; and there are others, connected with an intimate knowledge of his character, which, if my idea of it be well founded, will make his success the cause of serious inconveniences to them. While he lives, there will be nothing but war ; of the immense debts they owe to England, not a dollar will be paid—all will be wasted in attack and defences. After the continent of South America is subdued, Porto Rico will be the next object ; and after these, others, which, though he has the madness to conceive, it would be esteemed folly in me to dwell upon.

Impressed very strongly with these ideas, and seeing Peru without agents anywhere, while he has his who are devoted to him in different countries, I thought it not impossible that some steps might be taken by the United States and England, that would check his career, and avert long and dreadful sufferings to these countries. I had a confidential conversation on this subject the other evening with General La Mar and Dr. Luna Pizarro, in which I suggested the policy of making some confidential communications

to the Government of the United States, and that of England; that the character of Bolivar, after the long deceptions that had been practised, was yet imperfectly understood; that nations at a distance would take pains to investigate facts, and that his busy stipendiaries were everywhere active in his cause; that no authentic counter-statement had ever yet been given to the world.

Congress is still in session, and do almost as little as ours did last session at Washington. They have just completed the project of the revision of the constitution; as far as I have seen it, (for the printing is not yet completed,) the articles seem wise ones. The principal amendments are: 1st. The organization of a Senatorial branch, consisting of three members for each department; 2d. A partial approach towards a federal economy, by allowing provincial assemblies to take charge of certain local concerns, and propose lists for the prefects, governors, &c., to be selected from by the Executive; 3d. To make criminal justice public, with *viva voce* testimony and jury trial; 4th. A very modified attempt at toleration, by negatively permitting dissenting worship in private: it is doubtful whether even this will pass; 5th. Allowing curates to be members for the province of their birth, but not for that in which they have their curacies; 6th. A council of State to advise and ratify appointments by the President, in the recess of the Senate. These are the principal points in which the present constitution is changed. As soon as this discussion is got through, they will probably adjourn, which may be two months hence.

I have endeavored to bring the question of the Tacubaya Congress to a decision. The committee in Congress differ in opinion as to the expediency of ratifying the treaties; and talking with the President last evening, he told me they had not the \$15,000 or \$20,000, which would be necessary to advance a minister who might be named.

Admiral Guise is now in active command, and the Presidente frigate in fine order. If Bolivar does not send round a large frigate from Carthagena, Peru will have the command of this sea. I am almost afraid to ask indulgence for another long letter, but I beg you to receive the assurances of respect with which I have the honor to be

Your most obedient servant,  
W. TUDOR.

HON. HENRY CLAY,  
*Secretary of State.*

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No. 68.

*Mr. Tudor to Mr. Clay.*

LIMA, December 3, 1827.

SIR: I had yesterday the honor to receive the duplicate of the despatch from the department, signed by Mr. Brent, and enclosing me a commission as chargé d'affaires to Brazil. The honor done me by the President in this unexpected mark of his confidence, hardly leaves me free to weigh sufficiently the various motives I have for returning home, and which, if I were to consider for a longer time, might prevent me from accepting, as I now do, the appointment. I do so, however, in the confidence that if the



climate does not agree with me, I shall not be bound to continue any longer than till another may be named to succeed me.

It was my intention to have left here in March, on my return : I shall now take the first opportunity that may offer, of going to Rio, where I shall hope to receive your further directions. It is probable I shall find some vessel going from here in the early part of next month.

I have the honor to be,

With great respect,

Your obedient servant,

W. TUDOR.

HON. HENRY CLAY,  
*Secretary of State.*

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No. 69.

*Mr. Tudor to Mr. Clay.*

LIMA, January 3, 1828.

SIR: I have now the honor to enclose report No. 8 of the American commerce with this place, ending December 31, 1827. The number of vessels is not so great as in some former reports, but the general result to our trade has been much more advantageous than in some previous periods. Flour, having been brought in moderate quantities, has maintained a high price ; and, I think, the average for this term cannot be less than \$14 on board. Very large quantities of our plain cottons have also been brought, and which have been sold at a moderate profit. Two or three cargoes from China direct, belonging to American merchants, have been sold very advantageously ; and one or two considerable parcels of quicksilver, on the same account, from Europe, have sold at a great profit. On the whole, our trade, for the last six months, with this country, has been profitable.

A new tariff is proposed for the consideration of Congress, which lays a prohibitory duty on some articles of our trade, such as lard, soap, furniture, &c., the same that now exists.

Our coarse cottons are placed at a high rate, but less than the present duty ; and it is proposed to prohibit flour altogether at the end of eight months. This last measure is suggested in connexion with a proposed treaty with Chili, in which the two countries are to confer exclusive favors on the sugar of Peru and the wheat of Chili.

It is impossible to form a calculation of the probable result. The subject will not be taken up in Congress till after the discussion of the constitution is closed, which will probably last six weeks longer. Some members have made a proposition, formally, to exclude the coarse cotton goods altogether. I am inclined to think that the treaty with Chili will not be made, and that the prohibition of our flour will not take place ; but the supply of wheat from Chili will reduce the quantity imported to 10,000 barrels annually, and, perhaps, even less.

The affairs of this consulate are now in the hands of Mr. Prevost, who has been appointed by Mr. Cooley to the office *ad interim*, and who, I hope most sincerely, will be confirmed in it by the President. He is qualified, by his accurate acquaintance with the language and the habits of the coun-

try, by his general intelligence, honorable character, and good judgment, to fill the office with honor to his country and advantage to his countrymen; and so far as my opinion may weigh, I beg leave, most respectfully, to express it in the strongest manner in his favor.

My accounts, which the state of ill health I have suffered has prevented being in readiness for this opportunity, shall be made out and forwarded in a few days.

I have the honor to be,  
 With high respect,  
 Your obedient servant,  
 W. TUDOR.

HON. HENRY CLAY,  
*Secretary of State.*

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No. 70.

*Mr. Tudor to Mr. Clay.*

AT SEA, February 6, 1828.

SIR: I hope my letter of December 3, forwarded in duplicate, and acknowledging the receipt, on the day before, of the despatch from the department, enclosing my appointment as chargé d'affaires to Brazil, and my acceptance of the office, will have reached you without much delay. Unfortunately, I was suffering at the time under severe illness; and, though convalescent before I left Lima, I was too feeble to make any effort. Finding no opportunity from thence for my destination, I took the first moment my strength would permit to embark for Valparaiso, with the hope of finding one there, and also to change, as soon as possible, the debilitating climate of Lima; and I am happy to say that I have found my strength daily increasing as soon as I got to sea. The delay that has occurred from my illness, and from the long time which your despatches were on the way, (both sets reaching me the same week, but upwards of five months after their date,) occasions me great anxiety. Allow me to allude to this circumstance, as a case to show the advantage of establishing the communication with Peru, and the adjoining countries, through Panama; if this had existed, I might have received your letters in 40 days, instead of 153 which they occupied in reaching me.

I am going to close my long correspondence from Peru with a notice of various topics that occurred in the last two months of my residence there, and which my illness incapacitated me from communicating at the time. Some of these were of the highest moment in the affairs of that country: and, though threatening great danger, were in a train of being fortunately settled.

Congress continued its prolonged session occupied in the discussion of the constitution. There were various circumstances in the pertinacious cavilling and tardy progress of the first weeks of the debate, to countenance the suspicion that it was a formal design of some factious delegates (though not all acting with the same ulterior views) to procrastinate the business until the patience of the members, and that of the public, had been exhausted, and then to separate without concluding their task—thus leaving

the country without any constitution, and, of course, the anarchy enjoined by Bolivar, or his adherents, *de facto* established; but, some timely demonstrations of public opinion, and the exertion of the sound members, frustrated such a purpose. They had advanced latterly with more despatch; the most difficult chapters had been settled, and it is hoped the business may be concluded by the middle of February, and that in a short time after they would adjourn.

Among the subjects that were undecided, those which had an immediate connexion with our interests were the project of a treaty with Chili, and the establishment of a new tariff. In both these questions I made such feeble exertions as my infirm health permitted. The object proposed by Chili is the formation of a treaty, by which the noxious and complicated system of granting mutual favors, to the exclusion of other nations, would be introduced. The particular points to be negotiated were the admission of Chilian wheat, at a low duty, coupled with the absolute prohibition of American flour; and, in return, the exclusive introduction of Peruvian sugar into Chili. The policy of this measure was short-sighted and bad on the part of Chili, but the immediate disadvantages would be severely felt by Peru, in a vast deficit in the revenue; and the ruinous effects to the estates on the coast, which, having lost three-fourths of their slaves, and nearly all their capital, in the course of the revolution, were unable to continue their former production of sugar, but were advantageously occupied in the cultivation of wheat. Dr. Cañasler, who formerly held some diplomatic situation from Chili, aided probably by the minister, Mr. Truxillo, printed some observations in favor of the treaty, for distribution. Mr. Pando, one of the persons most competent to judge of the expediency of the proposed treaty, told me he thought the objections to it were unanswerable; and Dr. Luna Pizarro, who is the negotiator on the part of Peru, assured me that his object was to decline the proposal in a way not to cause any ill-will on the part of Chili. I conversed with General La Mar on the subject, and I presume he saw the disadvantages of the stipulations suggested; but Mr. Mariategui, the Minister of Foreign Affairs, who is, in fact, very incompetent to decide on subjects of this nature, is (as Dr. Luna Pizarro informed me) in favor of it, but I did not learn the fact till it was too late to converse with him on the subject; I am, however, inclined to believe that the treaty, as proposed by Chili, will not be effected.

The project of the new tariff prepared by a committee of Congress, aided in their consultations by a committee of the merchants of Lima, had been printed. The duties on most articles are moderate; and its wisest provision is a reduction of the enormous exactions on the mining interest, and the permission to export silver in bars, (of great importance to foreign commerce,) on paying a moderate premium. The result of this measure would be to double, if not treble, the receipts of the treasury from this source, and nearly extinguish smuggling; but the profound ignorance on this particular point, and the deep-rooted habits created by the long oppression of the deep-rooted habits of Spain, which were pre-eminent on this subject, will, I fear, be slowly dissipated. The tariff falls heavy on some foreign productions that compete with their own, such as brandy, lard, soap, &c.; and some fabrics, whose domestic production they wish to protect, such as furniture, hats, shoes, &c.; and flour, which, partly to protect their own mills, and partly with a view to the proposals of Chili, it is proposed to prohibit entirely. The article, however, which is most important to us, and

on which we have the best right to remonstrate, is that of coarse plain cottons, because the exclusion of our cotton cloths goes directly to favor real and inferior productions. The consumption of these goods is very great in all parts of South America; and in Peru, alone, upwards of 3,000 bales from the United States have been introduced within the last six months. The duty, as proposed in the new tariff, will be considerably less than that now existing; but, dissatisfied with this, a member of Congress, some time since, proposed a decree for their entire prohibition, and it will find many advocates. Feeling this question to be of much importance, I sent a request to Mr. Hosa Benavides to call on me, which he kindly assented to. This gentleman is chairman of the committee that proposed the tariff; a steady, decided patriot, and one of the most liberal, enlightened members of Congress. When I began to converse on the subject of the tariff, he told me that it was, on his part, only a compromise; that he had yielded some articles, in order to get a liberal system in the main; and that he was accused, by some of his colleagues, of being corrupted by foreigners to favor their commerce. I stated to him that I wished to suggest the impolicy, on various grounds, of the prohibition of flour, and which would appear harsh and unfriendly in the United States; that it was, besides, nearly useless, as the trade in that article was merely a casualty, which the renovated production of Chili and Peru would soon reduce to insignificance; that, however, the subject of *tucuyas* (as the plain domestic cottons are called in Peru) was of more extensive importance both to Peru and to my country. The tariff, it is true, proposed a high duty; but a member of Congress, not content with this, had urged a total exclusion. I represented to him the impolicy of these schemes, as respected Peru; the inequality of their bearings on foreign nations, since, under the mysterious name of *tucuyas*, our fabrics only (because they were substantially better adapted to the use of the country) were excluded, while the plain cottons of Europe and India were admitted; that it seemed great injustice to tax the silk stockings and satin shoes of the ladies of Lima, and the fine coats of members of Congress only 20 per cent., while the poor laborers of Peru (who formed the great mass of their population) were assessed 100 per cent. on their coarse vestments; that, besides, the object intended was utterly impracticable, and could be clearly proved to be so; and I asked him to consider the consequences of an enterprise, then seriously meditated by some American manufacturers, of establishing a manufactory in Peru—what would the partisans of exclusion say to this? A single manufactory, with modern improvements, would paralyze a town of weavers more effectually than the introduction of a cargo. How would this calamity be met? by prohibiting the introduction of machinery, or burning down the manufactory? He assured me of his wishes to reduce these duties, and of his conviction of the impracticability of the scheme of exclusion; and told me that the suggestion of establishing improved machinery here placed the question in a new light.

On the 19th of November, an express arrived in Lima bringing news of a serious revolt in the department of Ayacucho. The Chinchayos, or wild Indians on the frontiers, who have been in the habit, from time to time, of committing depredations, had made an invasion of the department, and, having entered a town with a disaffected population, had surprised a corps of 150 men stationed in it; they had also been joined by various turbulent individuals from the neighboring district—the whole being organized by some subaltern Spanish officers, who had capitulated in Ayacucho, and

suffered to remain in the country: the insurgents amounted to 3,000, and had marched on Guamango, the capital of the department. I happened to be with General La Mar when he received this information; I never saw him so much disquieted, as the extent of their views and resources was unknown. It was, indeed, an alarming occurrence; for, if there had been previous combination, combustibles were not wanting, and the flame might have spread through all the towns (which are almost exclusively Indian) all the way to Cuzco; it was like a torch applied to the dried grass of one of our prairies. It afterwards transpired that the leaders had proclaimed Ferdinand 7th, which was effectually damping the fuel they wished to kindle. A few days after the first intelligence had been received, news arrived of their total defeat. General Tristan, recently appointed prefect of the department, and who was on his way to its capital, hastily assembled a few men, and was soon joined by Colonel Vidal and some other officers, who had been sent to that quarter to raise a battalion, and they assembled about 500 men in the capital of the department. The rebels were met near it and wholly defeated—losing 300 hundred killed and several prisoners. General Tristan pursued them, and entered Huanto; the insurrection was entirely quelled, and he was negotiating with the Chinchayos for the surrender of the perfidious Spaniards who had caused this revolt.

I have mentioned these occurrences, as they were said to have originally been combined with another conspiracy of a still more dangerous description, subsequently discovered in the capital; though there is much obscurity in the connexion, if any really existed. On the 21st of December, the Government got information of a plot which was to take effect in Lima on Christmas evening. The first intelligence compromised, in the fullest manner, Ninivilca, a member of Congress from Huarochiri, and who had considerable notoriety as a leader of *monteneros* during the revolution. This man was educated at the university of Lima; is of pure Indian blood, and has, therefore, considerable influence among that class of the population. The talents he possesses incline him, however, only to mischief; he is, by nature and habit, factious and mutinous; and this is not the first time he has been engaged in schemes of public disturbance.

A confidential communication was made to Congress in secret session, mentioning that a conspiracy had been discovered which most clearly involved one of the members, and asking permission to arrest him. No one was named, and, from recent circumstances, all believed that Vidaurre was the person, which, as the event proved, was only a slight anticipation. A decree for the purpose was passed, and, on the separation of the House, Ninivilca was arrested in the lobby. Two days afterwards, further discoveries fully implicated Vidaurre, and he was arrested in his own house and taken to prison. The other persons arrested, to the number of 14 or 15, and who were to act as chiefs of the insurrection, were mostly *ci-devant* leaders of *monteneros*, and nearly all of them of pure, or various mixtures of Indian or African blood. They had secured the concurrence of their former comrades, as well in the capital and its vicinity, as from various places in the interior; all these were to assemble in the capital at the time appointed, and were daily coming in when the plot was discovered.

The plan was to seize the heads of the Government, disperse the Congress, and place the whole control of affairs in the hands of Vidaurre. The consequences that would have followed, had this infernal scheme succeeded, can hardly be imagined. The whole republic would at once have been

thrown into anarchy, and the capital itself involved in a desolation that would have made the former devastations of earthquakes, comparatively trifling. The moment chosen for its execution was on that joyous night when a large part of the inhabitants of all classes, after crowding to high mass in the spacious cathedral, pass the remainder of the night supping in the great square; and the lower classes devote that festive week to idleness and dissipation. The colored population has become very demoralized and insubordinate since the revolution; and as there was nothing imposing in the rank or character of the conspirators, (and military title, which has so much influence here, would have been wholly wanting,) the most desperate ruffians of Lima taking the lead of a rabble given up to riot and drunkenness, might have resorted to a general sacking and massacre, that would have nearly exterminated the white population.

The motives of Vidaurre for engaging in this plot are said to have been the degree of discredit into which he had fallen; the conviction that, in spite of all his intrigues and efforts, the present Government would never call him to the ministry, while the fear of having outraged Bolivar beyond all hope of pardon left no hope of employment under him. His intention was to have held possession of power but a short time; to have seized all the public funds wherever they could be found; add private exactions, if the former were not enough; embark himself and his spoil for Europe, to gratify his profligate disposition in the vices of some of its capitals. Such a design in a man holding the high rank of head of the judiciary of the country may seem incredible; but Vidaurre is really a phenomenon, restless and turbulent from temperament, petulant, indiscreet, and inconsistent from habit; with no principle to check him from the most violent and sudden fluctuations of opinion; vain and presuming beyond all example, unrestricted by any feeling of decency or honor; unconscious of his own baseness, to the degree of being proud in gratuitously proclaiming it: he is so thoroughly unprincipled, that no epithet milder than flagitious will describe him. There is, at the same time, a ludicrous impression created by the buffoonery of his vanity, indiscretion, and babbling folly, that diverts execration from its purpose, and tempers the pure horror he would excite by an irrepressible feeling of derision; and the same persons who, in the first moments of indignation, would have condemned him to the utmost vengeance of the scaffold, yield to a feeling of profound contempt, and are satisfied that he should be hooted out of society.

His trial, and that of the other conspirators, was proceeding according to the usual tardy process: the result, when I left Lima, was uncertain. One of the ministers told me that the case was made out by all the declarations of the prisoners, the ample confessions of Ninivilca, and confirmed by the declarations of the chief culprit himself. Vidaurre was alternately insolent and desponding, but at last had made up his mind to compound for retiring to Chili, to receive his present salary of \$6,000 a year. Even his banishment will be a relief to Peru; and getting rid of him from the eminent station he holds, (to which he was named by Bolivar,) the first step towards purifying the administration of justice will be made.

The fortunate destruction of the two conspiracies, above mentioned, was followed by another event of the most favorable kind for Peru. On the 9th of January, expresses were brought, with uncommon celerity, announcing that two chosen battalions of Sucre's army, under the command of General Figuredo, had mutinied, and marched for Peru, with the inten-

tion of embarking. General Gamarra, prefect of Cuzco, had immediately gone, with all the force he could collect, to meet them, and prevent any conflict taking place between the mutineers and the force of Sucre within the territory of the republic, and to escort the revolvers to the coast, where they might be embarked for Colombia. This intelligence was received with the most lively satisfaction by the patriots of Peru, and in silent, deep dismay by the partisans of Bolivar. It is, indeed, of the utmost importance; and, if Sucre is forced to abandon his position, Peru, having only to encounter Bolivar in front, will not fear the result, while to Bolivar himself the event must be decisively ruinous. The only further information received before my departure, was, that these troops had mutinied for want of pay; that an engagement had taken place between them and a corps of cavalry sent after them, in which 180 were killed, and, among the number, Lieutenant Colonel Brown, a very distinguished German officer who commanded the cavalry. It is possible that Sucre, acquainted with the disposition of his troops, had resolved to send them home, and, I should presume, to accompany them; and that, with this intention, he had been so urgent with Gen. La Mar, previous to this insurrection, to give him an interview on the confines of the republic, which he had determined to do. His journey would probably take place early this month, unless the events in that quarter should alter his determination.

An account of an occurrence at Guayaquil of considerable interest, reached Lima two or three days before my leaving that city. It happened at the table of our consul, Mr. Wheelwright, whose hospitable disposition makes his house a place of resort for all the conspicuous characters, and General Flores resides with him altogether. Flores is a young officer, entirely devoted to Bolivar, and at present the lieutenant of his despotism in the southern departments of Colombia. He is brave and enterprising, but rash and indiscreet. His disposition was far from being a bad one, and he furnishes an example of the pernicious influence of Bolivar's apostacy and perfidious ambition. He, like others, entered into the service with enthusiasm, and might easily have been confirmed in a patriotic course of republicanism, which would have been maintained from sentiment and habit, if not from principle, if his patron had pursued his original lofty, honorable professions. But when these were secretly sneered at and abandoned, Flores, like many other officers, unable to resist the example, were easily seduced from a patriotic fidelity towards their country, to become the abettors of a military usurper, and degenerate into mere adventurers, hoping to share his fortunes. The bravery and activity of Flores have made Bolivar repose unlimited confidence in him, though he has more than once committed acts of indiscretion. From a kind of necessity that the distance creates, Flores was directed to open all despatches directed to Bolivar, that he might be able to take steps, in urgent cases, without the dangerous delay of waiting till they would be sent to and returned from Bogota. In consequence of this permission, he opened some despatches directed to General Bolivar, that were handed to him while at dinner at Mr. Wheelwright's, (there being present, besides the host, only a gentleman from Buenos Ayres and one other person.) After reading the letters, Flores asked the Puenos Ayrean if he knew the handwriting of Dorrego? He replied, "Perfectly." "Then look at this letter," (handing him one.) It proved to be a letter from Dorrego, telling Bolivar that the faction of Rivadavia was wholly prostrate, and there would no longer be any obstacle to the adoption of

the Bolivian constitution, which he should take every step to hasten. Another letter, also handed to him, was from Dean Funes, Bolivar's agent in Buenos Ayres, telling him that all things were ready; that they were impatient to adopt the Bolivian constitution and league; and suggesting the importance of ordering Sucre to place a corps in Tucuman, which would have a powerful effect in overawing opposition. A third letter was from the editor of the Tribune, a paper in the pay of Bolivar, filled with sentiments of adulation and subserviency. The gentleman to whom, in a moment of indiscreet triumph, these letters were shown, had reached Lima, and mentioned all the particulars to his countrymen. An account of them is transmitted by this vessel to Buenos Ayres, and the effect may be to hasten the overthrow of the miserable faction of Dorrego, who has shown the basest subserviency to Sucre, from the moment of his getting into power. Mr. Pando told me, while conversing on the subject, that he was well aware of Dorrego's intentions, which, of course, his late situation would have thrown under his cognizance; and he some time since, in the *Mercurio*, of which he is editor, threw out some pregnant hints on this subject. But the Buenos Ayreans in Peru, generally, were not aware of Dorrego's treachery; and even Mr. Lynch, late consul, who was displaced by him, assured me that he was decidedly a republican.

To speak in general terms of the prospects of Peru, I fear there will be the same succession of factions that all the neighboring republics experience; but there is at least a strong hope that, under the guidance of General La Mar, the republic will advance without any violent convulsion, until the points at issue with Bolivar are decided, either by his defeat, if open hostilities take place, or in his being obliged from other causes to relinquish his designs. The moment that danger is over, La Mar will resign the presidency. He has more than once conversed with me on this topic, and subjects connected with it, with the utmost frankness and confidence. Nothing but a high sense of honor makes him retain the presidency, that it may not be said he shrank from a contest with Bolivar and Sucre; but as soon as all danger from that quarter is over, he will resign. He assured me, with energy, repeating his words, that he would not hold it a quarter of an hour; that his pay as a general was sufficient for his wants; and that he abhors the management of political affairs.

La Mar is one of the purest, noblest, most generous men whom I have ever known. His education was military, and he has a decided repugnance to administer political concerns. In the former, he is cool, skilful, and utterly without fear; in the latter, he is unpractised and hesitating. His health is not robust, and his amiable and virtuous disposition, disgusted with the obstacles that corruption and intrigue prepare, is prone to melancholy. He was called to govern a country emerging suddenly from the most absolute political and ecclesiastical tyranny, and almost insulated, by its position, from the rest of the world, and placed at such a distance from the control of the mother country, that every species of abuse was rank and unpunished.

In such a state of society, the difficulties of administering a republican system may be easily imagined. It is true there are noble exceptions to these general descriptions, but as yet they are only exceptions. The operation of a free government, the effects of intercourse with other nations, and the progress of education, will doubtless increase them.

La Mar is in every respect the opposite of Bolivar; humane, benevolent,



unsullied in his morals, and disinterested to an heroic degree ; but in nothing is the contrast more striking than in their courage. Bolivar is furious, vehement, rash in the field, but easily confused ; committing the greatest errors from want of self-possession ; and when the situation is arduous, and the peril imminent, resorting to flight, (as when he deserted his army before the battle of Ayacucho,) to escape from it. La Mar is ardent, enterprising, and perfectly collected in the most trying moments. Their opposite-conduct in a time of conspiracy and civil commotion was strikingly exemplified in Lima. Last year, a real or pretended conspiracy, which was extremely obscure, if not imaginary, was prodigiously magnified, first from fear, and next proscription. Bolivar was alarmed at every shadow ; had guards at every door and window ; never went abroad without a numerous escort, dashing along with rapidity, as if anxious to escape the aim of an assassin. In the very serious and extensive conspiracy which recently occurred, and while its ramifications were unknown, La Mar changed none of his habits, made no addition to the militia guard, (the only one that now does duty at the palace,) and patrolled the streets every night as usual, sometimes on foot entirely unaccompanied, or on horseback with a single aid or attendant. On the second or third day after this plot was discovered, he called to see me in the evening, entirely alone, passed a couple of hours, and when he went away would allow no one to attend him, but probably took one of his usual rounds to see that all was quiet. But, independently of natural temperament, a single line, taken in its opposite bearings, will account for the conduct of both—

“Tis conscience that makes cowards of us all.”

I have the honor to be,

With high respect,

Your obedient servant,

W. TUDOR.

Hon. HENRY CLAY,

*Secretary of State.*

VALPARAISO, *February 11.*

P. S.—I arrived in this place yesterday, and shall proceed in the first opportunity that offers to Rio de Janeiro.

W. T.



CORNELIUS MANNING.

[To accompany bill H. R. No. 962.]

FEBRUARY 28, 1837.

Mr. DROMGOOLE, from the Committee on Foreign Affairs, made the following

REPORT:

*The Committee on Foreign Affairs, having been instructed by a resolution of this House "to inquire into the expediency of making compensation to Cornelius Manning for the loss of a servant taken by the British during the late war, out of the surplus fund of the treaty of Ghent applicable to such claims," have, according to order, had under consideration the subject-matter to them referred, and submit the following report:*

In every essential characteristic, this case resembles that of Catharine Hodges; and your committee beg leave to refer to their report in that case, and to adopt it as the basis of a bill (which they herewith report) for the relief of the said Cornelius Manning.

Blair & Rives, printers.



CLAIM ON DENMARK—WILLIAM C. PARKE.

MARCH 1, 1837.

Postponed until Friday next.

r. CUSHING, from the Committee on Foreign Affairs, to which the subject had been referred, submitted the following

REPORT AND RESOLUTION:

*the Committee on Foreign Affairs, to which were referred the petition of William C. Parke, and also a proposed resolution requesting the President of the United States to prosecute a certain claim on Denmark, report :*

The petitioner represents that his deceased father, Matthew Parke, of whom he is the sole heir, was a captain of marines on board the frigate Alliance, Captain Peter Landais, in the early part of the revolutionary war, and at the time of the incidents hereinafter described, on account of which prays the interposition of the Government.

The resolution above mentioned, submitted to the House by Mr. Pinckney, of South Carolina, relates to the selfsame subject-matter.

It appears, by documents on file in the Department of State, and by other authentic means of information, that the frigate Alliance belonged to the American squadron commanded by Captain John Paul Jones, in the flag-ship Bon Homme Richard, which squadron, in the summer of 1779, made many captures from Great Britain, and took, among other vessels, the letter-of-marque ship Union, of London, of twenty-two guns, laden with military and other stores, and bound to Quebec; the letter-of-marque Betsey, of Liverpool, of twenty guns, laden with provisions and other merchandise, and bound to New York and Jamaica; and also the brigantine Charm, Polly.

These vessels having been sent into the port of Bergen, in Norway, as a neutral port, were there seized by order of the King of Denmark, and restored to the original proprietors, on the alleged ground, that, as Denmark did not recognise the independence of the United States, she could not consider the captures to be legal.

These prizes were lawfully taken on the high seas, under the commission in the service of the United States held by the Chevalier John Paul Jones; and were estimated as of the value, cargoes included, of fifty thousand pounds sterling; and said Matthew Parke, as such captain of marines, is rightfully entitled to his share of the prize-money accruing from said captures.

So soon as the fact of the seizure and restoration of these vessels by

W. Rives, printers.

Denmark became known, it excited a great and just indignation on the part of the United States. Dr. Franklin, who then represented our Government at the court of Versailles, immediately addressed to the Count Bernstorff, the Danish Minister of Foreign Affairs, a memorial, warmly remonstrating against the procedure of Denmark, and claiming the restitution of the prizes. Dr. Franklin also entered into negotiation on the subject with the Danish minister in France; but all without success.

In consequence of this, Congress, in 1787, adopted a resolution, instructing Mr. Jefferson, the American minister at the court of Versailles, to represent to the King of Denmark that the United States continued to be very sensibly affected by the circumstance in question, and to reiterate the demand for a restitution of the prizes, or the payment of an equivalent indemnity; in the prosecution of which object, our minister was empowered to appoint a special agent to conduct the negotiation at the court of Denmark.

Accordingly, Mr. Jefferson commissioned the Chevalier John Paul Jones himself to repair to Copenhagen, and pursue the claim, as well in behalf of himself and the other individuals interested in the captures, as on account of the national injury done to the United States. Captain Jones, however, was unable to effect any thing, and the negotiations were again transferred to Paris, but with like want of definite results.

Here the matter seems to have rested until the year 1805, when it was revived by reason of a memorial preferred by Captain Landais, at the first session of the ninth Congress, which passed an act granting him the sum of four thousand dollars, on account of his claim to prize-money accruing from said captures. By a report, made in the same Congress, by one of the committees of the House of Representatives, the claim of the United States and of its citizens to receive indemnity in the premises, from Denmark, was particularly commended to the attention of the President; and again, by a report made to the Senate in 1820, on the petition of James Warren. This is declared to be a subsisting claim on Denmark.

There is no trace, however, on the files or records of the Department of State, that any further correspondence with Denmark ensued, in reference to this subject, except in the year 1812, when Mr. Monroe, at that time Secretary of State, addressed a note of inquiry concerning it to Mr. Pedersen, the Danish chargé d'affaires in the United States. To this letter, Mr. Pedersen replied that Denmark had never admitted the claim to be a fair and legal one; and had for many years considered it as a superannuated and abandoned affair; adding, however, that he would communicate the letter to his Government.

Meanwhile, Denmark, under one pretext or another, had just before this period committed a series of most unwarrantable and outrageous depredations on the commerce of the United States, which continued to be a subject of negotiation between the two nations until the year 1820, when a convention was concluded, by which Denmark engaged to pay to the United States an indemnity, though a very inadequate one, as compensation for those depredations.

That convention is couched in such language, as manifestly and clearly to leave open to negotiation the claim for the seizures made at Bergen. The fourth article is in the following words:

"In consideration of the renunciation and payments mentioned in articles one and two, on account of his Majesty the King of Denmark, the Government of the United States declares itself entirely satisfied, not only in what

concerns the said Government, but also in what concerns the citizens of the said United States, *on account of the claims hitherto preferred, or which may hereafter be preferred, relating to the seizure, detention, condemnation, or confiscation of their vessels, cargoes, or property whatsoever, which, IN THE LAST MARITIME WAR OF DENMARK, have taken place under the flag of Denmark, or in the states subject to the Danish sceptre; and THE SAID CLAIMS shall consequently be regarded as definitively and irrevocably terminated.*"

This language, in which renunciation is made only of claims of the United States and the citizens thereof, on account of seizures and so forth which had taken place *in the last maritime war of Denmark*, becomes abundantly precise and significant when recollection is bestowed on the contemporaneous history of Denmark. The expressions refer, it is plain, to the maritime hostilities in which Denmark was involved by the long struggle between Great Britain on the one side, and the French republic and Europe on the other, with their respective allies; and the phraseology effectually excludes the seizures made at Bergen.

It does not appear that any recent correspondence on this particular point has occurred, as between the United States and Denmark.

Your committee conceive that it is proper for the Government of the United States to renew the negotiations on this subject, and urge the same until satisfaction be accorded for the injury we have sustained. The United States, in addition to the indication of its wounded honor, has a pecuniary interest in the claim; since the squadron, by which the prizes were captured, consisted of public ships armed under authority of Congress. It is the duty of the Government to seek indemnity, also, for those of our citizens, who, like the petitioner, have a particular interest in the question, by reason of the services of themselves, or of those under whom they claim, in said captures.

It is not, as intimated by Mr. Pedersen, an abandoned affair; nor is it a superannuated one. Questions of honor and right, as between sovereign States, are not to be summarily disposed of like the petty debt of an individual, by a statute of limitations. There is no lapse of time which discharges a nation of the right to demand of another nation reparation for a palpable wrong.

Your committee, therefore, upon a view of the whole matter, recommend to the House the adoption of the following resolution:

Resolution requesting the President of the United States to prosecute the claim of the United States against Denmark for the value of the three prizes made by John Paul Jones.

*Resolved by the House of Representatives of the United States of America,* That the President of the United States be requested (if, in his opinion, not inconsistent with the public interest) to enter into negotiations with the court of Denmark for the purpose of obtaining therefrom a just and equitable indemnification for the value of three prizes sent by John Paul Jones, in one thousand seven hundred and seventy-nine, into Bergen, in Norway, and which were there delivered up by the Crown of Denmark to the English, viz: the letter-of-marque ships *Union*, of London, and *Betsey*, of Liverpool, and the brigantine *Charming Polly*.





## MAIL BETWEEN THE UNITED STATES AND GREAT BRITAIN.

MARCH 2, 1837.

Read, and the resolution therein contained concurred in by the House.

Mr. HOWARD, from the Committee on Foreign Affairs, to which the subject had been referred, made the following

### REPORT:

*The Committee on Foreign Affairs, to which was referred a memorial from sundry inhabitants of New Bedford, praying Congress to provide, by legislative enactment, that letters carried to England, addressed to citizens of the United States, may be forwarded free of postage, respectfully offer the following report:*

In the annual report of the Postmaster General, he called the attention of Congress to the propriety of providing, by law, for the transmission of a mail between the United States and Great Britain, and her adjacent provinces. The great intercourse between these two commercial nations appears to render some arrangement between them highly expedient, which may facilitate the transmission of letters, not only between those ports from which an active communication is kept up by packets, but also from places in the interior of the country. At present, it is the duty of every writer to take care that his letter is placed on board of some vessel, which is often difficult, and sometimes impossible. It is understood that Congress have refrained from acting upon the subject, under the impression that an arrangement may be made by the President, under the treaty-making power, with more advantage than an act of Congress would be likely to produce. If this should be undertaken, it would not only be easy, but highly proper, to include in it some provision to meet the wishes of the memorialists. The commerce of England and the United States extends over the whole globe: and if the merchant vessels of each nation can be encouraged to receive letters for the citizens of both, at any port of the world where they may happen to touch, it would not only conduce to the general benefit of commerce, but also to relieve the anxiety of friends separated from each other by thousands of miles. The petitioners represent, that there are now lying in the post office in London numerous letters addressed to merchants in the United States, who are unable to get them because they have no correspondent there to pay the postage and forward them. If the two Governments would become responsible to each other, under whatever restrictions they choose, for the postage accruing upon letters brought in the vessels of either, from distant countries, and undertake to forward them to their des-

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tination, the convenience would be soon felt by the people of both. It is possible that commercial jealousy might sometimes be reluctant to communicate information, which might be deemed important, to persons of another nation; and the owners or masters of vessels might, upon this account, feel unwilling to become the bearers of such intelligence. But the time which would elapse between the reception of the information in the country where the vessel would first arrive, and its reaching the other side of the Atlantic, would, in all probability, cause this feeling to be suppressed.

The committee offer the following resolution:

*Resolved*, That the memorial be referred to the President of the United States.









MAR 15 1955

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